Budget '94

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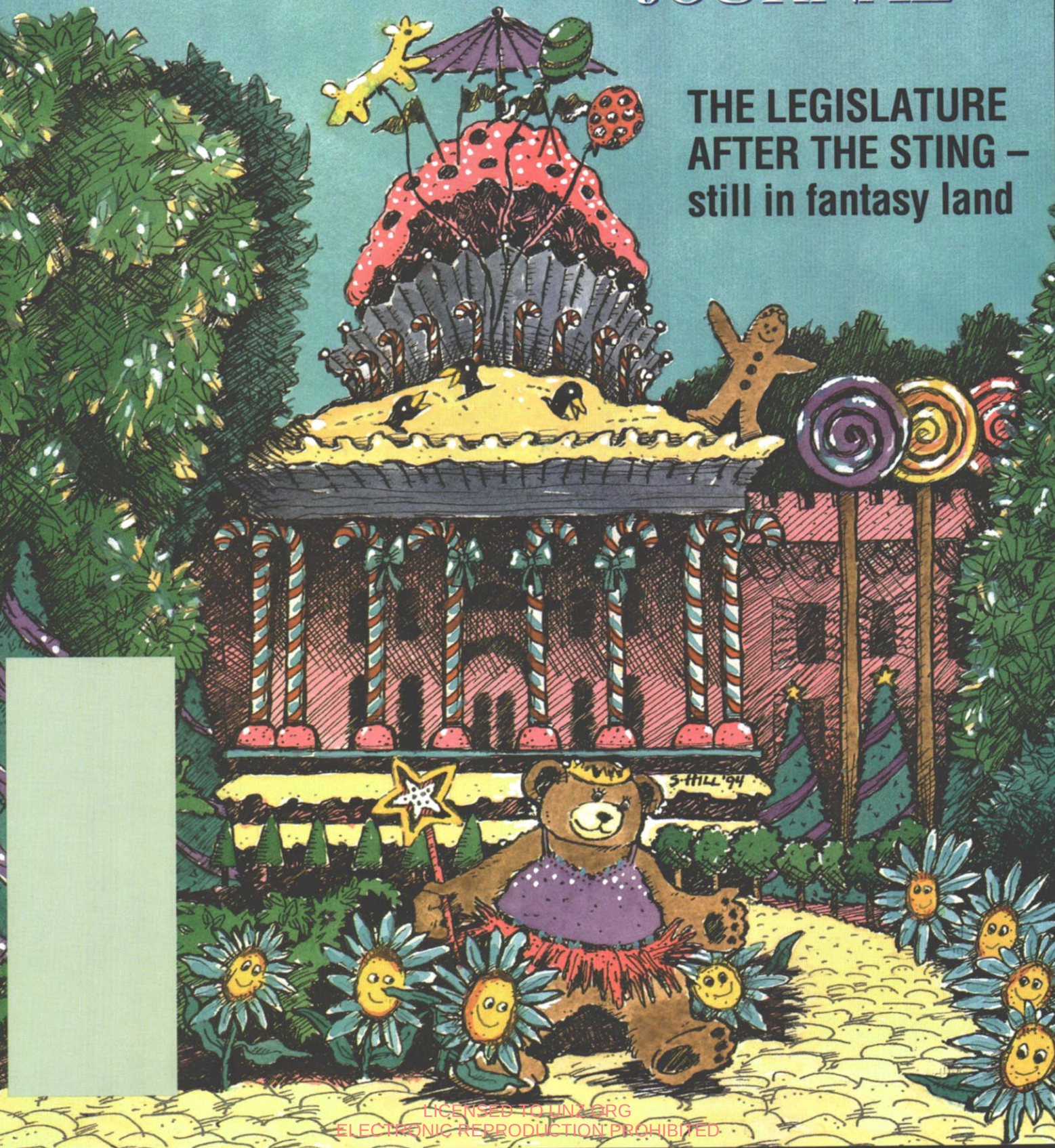
California JOURNAL

Independent analysis of politics and government

THE LEGISLATURE AFTER THE STING – still in fantasy land



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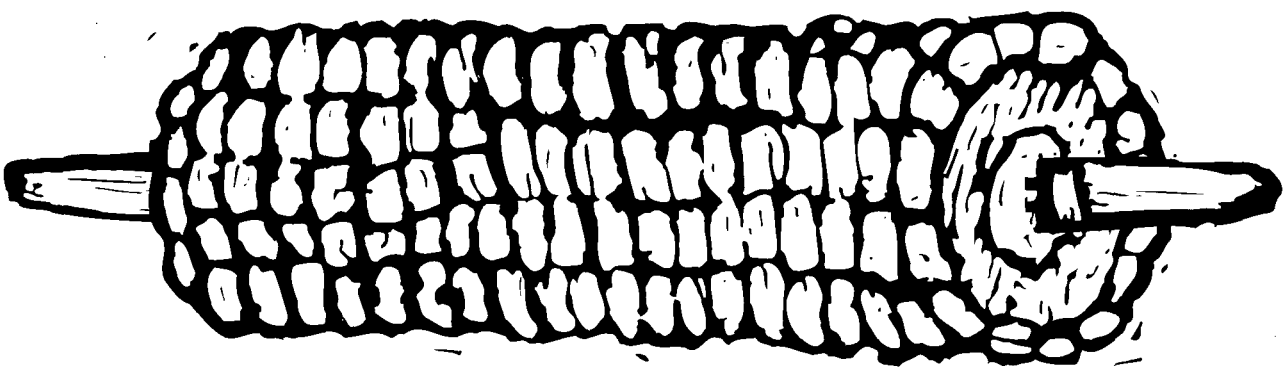
Before You Decide To Eliminate Tax Deductions On Dental Benefits, Chew On This.



Most Americans take eating an ear of corn for granted. But it wasn't always so. In 1960, the average American over 65 had only seven natural teeth. Most seniors today have 18 of the teeth they were born with, a radical improvement in just 1-1/2 generations. And baby boomers can expect to have at least 24 teeth left when they reach 65. These statistics tell an important story about health care. Perhaps the only one with a happy ending.

More than 95 million Americans now have dental coverage through employer-sponsored plans. These programs focus on primary and preventive care — the check-ups, cleanings and treatments that help patients avoid dental disease, or detect it early, when it's easier and less costly to treat. In 1960 only six million Americans had dental coverage. So most people sought dental care only when in pain or for major restorative treatment — tooth extractions, bridges or root canals. That is not the case today.

WHY KICK THIS PROGRESS IN THE TEETH?

If Congress eliminates tax deductions on dental coverage, it will set America's oral health back 35 years.

Dental benefit programs promote prevention and primary care by design. Employers and employees usually share tax deductible premium costs. Most dental coverage also pays a higher percentage of costs for preventive treatment than for restorative procedures. So it provides incentives for patients to prevent oral health problems before they become serious and more expensive to treat.

Research by the Rand Corporation and others projects that nearly all employers would scale back or cancel dental benefits if taxed on their contributions, and more than half of all workers would be likely to give up the benefits if taxed.

The 18,000 members of the California Dental Association urge you, on behalf of our millions of patients, not to set oral health in our nation back a generation. We need to maintain the incentives that make pursuing good oral health easy to swallow.

DENTISTRY: HEALTH CARE THAT WORKS.™

CALIFORNIA DENTAL ASSOCIATION
A Constituent of the American Dental Association

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AUGUST 1994
VOLUME XXV, NUMBER 8

California JOURNAL

Independent analysis of politics and government

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Up Front

UMBRAGE

Bowler, the liberal. Just when you thought you had every lawmaker stuffed neatly into a philosophical cubbyhole, along comes someone like Assemblyman Larry Bowler (R-Elk Grove) to scramble all your preconceived notions. Here we thought Bowler was a far-to-the-right conservative with little sympathy for women, minorities or gays. But then, Bowler authors a bill like AB 136X. The measure, passed last month by the Assembly Public Safety Committee, makes it a "wobbler" to threaten the life of, or threaten seriously bodily injury to, a prosecuting attorney or peace officer — or to a member of their immediate family. The bill defines "immediate family" to include anyone who has regularly resided in the person's household for the past six months. After the vote was taken, Assemblyman Phil Isenberg (D-Sacramento) gleefully pointed out that Bowler had just extended benefits to the domestic partners of gay police officers.

Gratitude, political section. Governor Pete Wilson was smarmy with gratitude recently after the U.S. Supreme Court upheld the state's unitary tax system. "There's a lot of credit to go around for this victory," Wilson clucked. "Both the Legislature and California's congressional delegation were united in their support of California's position before the court." Missing from the governor's thank-you list, however, was any mention of President Bill Clinton, or the help given California's case by the Clinton administration, which actively intervened to argue on the state's behalf before the court. Previous Republican administrations had argued as well — against California.

The evil that men subsidize. The bill went down recently on the Senate floor, and we know why. Bills based on logic rarely do well, thus SB 1271 failed. Carried by Senator Gary Hart (D-Santa Barbara), SB 1271 would have done away with tax deductions for expenses incurred to advertise tobacco products. Currently, according to Hart, the state uses Proposition 99 money to discourage tobacco consumption, then grants a deduction to those who encourage the same behavior. Only 16 senators agreed with Hart.

IT'S BAD ENOUGH THESE ILLEGALS POUR ACROSS OUR BORDER IN DROVES SEEKING ECONOMIC OPPORTUNITY...
BUT THEY WON'T EVEN BEGIN TO ASSIMILATE THE LANGUAGE OR CULTURE OF OUR LAND!
YEAH...THEY DON'T EVEN TRY TO LEARN SPANISH, DON RICARDO!
El Rancho del California Norte
GOLD RUSH MAP
GREENBERG FOR CALIFORNIA JOURNAL 1994

Illustration by Steve Greenberg

Spin and smoke. The lawmakers who tried to weaken Assemblyman Terry Friedman's (D-Los Angeles) antismoking bill (AB 13) on the Senate floor last month all made liberal use of the word "integrity" to justify their requests that the Senate restore hostile amendments attached to the bill by these same lawmakers a few weeks ago in Senate Judiciary. Those amendments, regarded as friendly to the tobacco industry and nearly fatal to the bill, were subsequently removed in Senate Appropriations. Among the add-ons was a charmer by Senator Charles Calderon (D-Whittier) that would have pre-empted and superceded the enactment of any local ordinance regulating smoking. Calderon, arguing on the floor to reattach his amendment, proclaimed, "What's at stake here is the integrity of the committee process." Yeah, "integrity" was involved, all right. Calderon's amendment was dinged, as were others designed to weaken AB 13.

Give Peace a chance. It was only a matter of time before the "Peace Train" blew its whistle on the normally placid Senate floor. Well, it took place recently when Senator Steve Peace (D-Chula Vista) offered a seemingly innocuous resolution concerning the state library. After Peace opened, Senator Dan McCorquodale (D-Modesto) launched into a lengthy diatribe that, among other things, attacked longtime Peace staffer Irwin Nowick. When McCorquodale finished huffing and puffing, Peace glared across the chambers and shouted, "You're nuts, McCorquodale! You're a nut case!" Peace then stormed over to McCorquodale's desk to berate the seated lawmaker nose-to-nose — an event finally halted by the presiding officer, Senator Ralph Dills (D-Gardena), who ordered Peace back to his seat. A caucus had to be called to cool things off, after which Peace's resolution passed without a hitch. Is there more to this sparring match than meets the eye? Perhaps. Twenty-five years ago, Peace's stepfather ran the campaign of a candidate who opposed McCorquodale for mayor of Chula Vista. McCorquodale won, but some feelings die hard.

Quid pro quo. When former Senator Frank Hill was caught on camera exchanging his work on a bill for an honorarium, a federal jury labeled the

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gesture a bribe and convicted the Whittier Republican on corruption charges. Now, it appears, Assembly Public Safety is guilty of the same action. It occurred during a recent hearing on SB 2098, sponsored by Senator Tom Hayden (D-Santa Monica) — a measure that upgrades an ATM-related robbery from second degree to first degree. After the California Attorneys for Criminal Justice had testified against the bill, Hayden reminded committee members that the California Bankers' Association, among others, supported it. "The banks that are arranging our [budget] rollover would like to see this bill passed," Hayden said. The bill was approved five-zip.

Misquote. Last month, we quoted Senator Ruben Ayala (D-Chino) as chiding his colleagues for quibbling over $150 million, saying that much "falls through the cracks" every day around the Legislature (see "Up Front," *CJ*, July 1994). The senator notes that we quoted him accurately in all but one small detail: He referred to $150 *thousand*, not million. He even sent a videotape to verify his testimony. He was not amused.

"[Agitators] may be disturbing. They may be a nuisance. But they are the corpuscles of the corporate being through which the waste and stagnation of the status quo is turned into living tissue."

— Haywood Broun

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 2101 K Street, Sacramento, CA 95816. Sorry, submissions cannot be returned.*

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Rostrum
LETTERS

AD 41

Your coverage of the primary in Assembly District 41 contains an error. At no time did I or a representative of my campaign tell *California Journal* that I would make Shelia Kuehl's sexual orientation an issue in the campaign. In fact, my campaign manager specifically recalls saying that I "didn't care" about Ms. Kuehl's orientation. She herself made her sexual orientation an issue in her remarks to the press immediately after the primary election. I can assure you that the campaign in the 41st Assembly District will be waged on the issues of concern to the voters.

MICHAEL MEEHAN
Republican candidate
Assembly District 41

The vanishing electorate

The California electorate didn't suddenly disappear on June 7th; it's been vanishing slowly for years. Nevertheless, to understand why the majority of California's voters stayed home on primary day we need to move beyond characterizing non-voters as uninterested, contentedly apathetic, or alienated to the conditions motivating such behavior and explain the reasons for their behavior. One explanation must draw attention to the changing character of contemporary political campaigns in California.

The "ruthlessness" of modern campaigning, whereby individual candidates carpet bomb mailboxes and television sets with promotional material in lieu of grassroots campaigning, surely contributes to a declining electorate. Candidates, who spend most of their time raising money, are no longer connected to individual voters. Consequently, the bonds of familiarity and loyalty between candidates and voters, which have historically motivated turnout, have been all but obliterated. Ironically, but not incidentally, the more money spent on electioneering in California, the lower may be the turnout. While this is not a hard and fast rule, it does capture one of the ironies of modern political campaigning. You suggest (see "The June Elections," *CJ*, July 1994) that as public attention wanes, the power of money in a campaign grows in importance. Actually, it might be just the opposite.

The "power of money" spent in a campaign may have the perverse consequence of reducing the incentive eligible voters have to cast a ballot on election day because candidates who spend most of their time raising money touch very fewer voters. Moreover, the expenditure of funds on campaign mailers and television commercials may do very little to induce a reluctant and disaffected electorate to the polls. Voters who believe they are being talked "at" by slick mailers and television ads rather than "with" is surely a disincentive to electoral mobilization.

Voters are not responding well to the money-intensive campaigning which now defines politicking in California. Though voters are surely to be blamed, or held responsible, for not voting in greater numbers this June, we should also hold candidates and their professional consultants responsible for "the disappearing electorate." Since successful candidates have little incentive to change their way of campaigning, we can, unfortunately, expect a continued decline in voter turnout. Just how low voter turnout can plummet before the very legitimacy of the results are seriously questioned remains to be seen. But given the current style of campaigning, we are quickly approaching the point at which that question becomes relevant.

MARK P. PETRACCA
UC-Irvine

Water

I am writing to express the outrage and indignation felt by many in the agricultural community over your article on "The Selling of Water" (see *CJ*, June 1994). Although the article contains too many errors to address

Continued on page 7

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with limited space, I would like to shed light upon California's Central Valley Project (CVP).

The article begins by outlining the arrangement between the Metropolitan Water District of Southern California (MWD) and the Areias Dairy Farm through the CVP system — a water transfer made possible by the Central Valley Project Improvement Act (CVPIA) of 1992. You suggest that the sponsors of the CVPIA looked the other way and allowed CVP farmers to make a profit on the taxpayer subsidy in order to get a water market off the ground. You should have read the Act. It is very specific: It prohibits a CAP user from profiting on the subsidy.

The federal government spent a total of $2 billion to build the CVP, a project that has produced crops valued in excess of $55 billion in taxable income since it began operations. If a multiplier is taken into account to quantify the contribution of the CVP to local economies along the project, the CVP has created economic activity, from the original federal investment, in excess of $100 billion. The CVP continues to pay for itself, repeatedly, every three to five years, an economically justifiable return, even measured against the federal subsidy.

Are farmers ripping off the taxpayer? Everyone in California, and the rest of the nation, benefits from the Project and the investment of taxpayer dollars toward this water system. The CVP generates not only federal, state, and local tax revenues year after year, but provides water to nearly every industry along the system. The CVP also provides water for residential use, public recreation, hydroelectric power and flood control. And as long as those fields are producing something, they are less vulnerable to becoming a new housing tract. Isn't that environmental value worth something?

BRAD SHINN
Executive Director
California Farm
Water Coalition

Voice of the Voter

I shared Susan Rasky's skepticism about "public journalism," until I had a chance to listen carefully to its proponents, such as Jay Rosen of NYU, and to observe some to the most interesting experiments in how to increase citizen participation in political campaigns in places like Wichita, Kansas, and Charlotte, North Carolina. The ideas and methods of this important reform movement are anything but "harebrained," to use her unkind adjective (see "The Bottom Line, *CJ*, June 1994). They represent a work in progress that seeks to revitalize public life and offers hope to journalists and the citizens they serve.

Public journalism is not a "cheesy PR" stunt. But it does grow out of a recognition that the future of journalism depends on citizen involvement in public life. When people retreat from public issues, they become less interested in news. Citizens may, in fact, "want very contradictory things from those who govern." While traditional reporting tends to suppress what Rasky calls this "dirty little truth," public journalism tries to work with it. Contradictions and complexities can lead to debate and compromise and the search for common ground.

Your column came close to saying that the masses are asses by saying that "vox populi may not be all it's cracked up to be." Fair enough, but her preference for the judgment of economists, academics, influential business groups and "policy wonks" is equally imbalanced, and dangerously elitist. Rasky offers a prescription for improving political reporting, one that recommends deep reporting and analysis, and matching the promises of candidates against the advice of experts. What a great idea, one that is in complete harmony with the ideals of public journalism. Let's provide citizens with a context in which they can make good decisions. But let's also hear their voices, and create for them a sense of membership in the important public conversations.

The precious space devoted to the "Voice of the Voter" is not being robbed from journalists who want to pursue serious political reporting. Instead, it is replacing the cycle of scandal-mongering, horse-race polling, and name-calling that has defined, until experiments like Wichita and Charlotte, the election landscape.

Public journalism needs more critics like Rasky. Her contrarian notions will help public journalism define and refine itself, leading, I believe to a reconciliation of her reforms with those she is criticizing.

ROY PETER CLARK
Senior Scholar
The Poynter Institute
for Media Studies
St. Petersburg, Florida

Lynn Schenk

I am writing in regard to the article in your May issue assessing races in each of California's congressional districts. In particular, I am distressed by your characterization of Congresswoman Lynn Schenk (D-San Diego) as a member "who hasn't made much of a dent in congressional ranks during her first term." In fact, Lynn Schenk has made quite a splash, especially for a freshman. She has been very influential both in the legislative process and in garnering benefits for her 49th District. For example, just last month, the powerful Chairman of the Energy and Commerce Committee, John Dingell, announced that he had been persuaded by Schenk to exclude the "Advisory Council on Breakthrough Drugs" provision from the health-care reform bill. Schenk opposed the creation of a council that would have had the power to recommend price caps for new drugs — a proposal that had already begun to dry up venture capital funds for the more than 100 biotechnology companies in her district. For her work in eliminating this provision, Schenk was lauded by the national and biotechnology industry press. Schenk also helped garner $58 million to build an international sewage treatment plant at the San Diego/Mexican border, led the Democratic debate on the House floor regarding increased funding for more border patrol agents, successfully lobbied for a new Environmental Protection Agency office to be located in San Diego for the express purpose of resolving border environmental issues, demonstrated leadership in supporting San Diego's maritime industry, was a leader among freshman members in garnering votes for the historic assault-weapons ban legislation passed by the House, and gained by-partisan recognition for her leadership in instituting spending cut legislation. In short, Lynn Schenk has distinguished herself in Congress.

VIC FAZIO
Member of Congress
West Sacramento

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The Legacy of the

After 14 convictions and guilty pleas, it's business as usual in the Legislature's fantasy land

by Steve Scott

Photos by Rich Pedroncelli

Former Senator Joseph Montoya

On the last night of the 1988 legislative session, it seemed the most popular gathering spot in Sacramento was the desk of Assemblyman Lloyd Connelly. A steady stream of members of both parties sauntered over to the southeast corner of the chamber, where the Sacramento Democrat sat, asking his advice or just making conversation. Now Connelly was hardly a power broker: he chaired no committees, raised relatively little money, and was considered at the time to be among the worst-dressed members of the Legislature. Yet his computer-generated "bad bills list" was suddenly the most sought-after piece of paper in the Capitol.

"For awhile there, every time I voted 'no', 15 to 20 red lights would immediately go up," Connelly, who is now a judge, chuckles in recollection.

Why was there such a sudden interest in Connelly's little "no" list? Because on two different occasions, it included legislation crafted to give a tax break to an obscure shrimp-packing company trying to locate in West Sacramento. A week earlier, it had been revealed that the legislation had been planted by the FBI as part of an undercover sting that had ended with a late-night raid on four legislative offices at the Capitol. That Connelly was the only member of the Assembly to vote against the FBI bill twice speaks to his own studiousness and attention to detail. The swiftness by which he was transformed into the lighthouse guiding his colleagues through special-interest waters speaks to what many consider the situational ethics of the Legislature as an institution: Without a strong Magnetic North, the moral compass spins to fit the circumstances.

It's been six years since the aforementioned raid at the Capitol, and eight years since the FBI began its undercover probe into corruption in the Legislature. The scorecard of convictions is not a happy one for the state's institutions of government: five sitting or former members of the Legislature; five former staffers; a member of the California Coastal Commission; one of the Capitol's most powerful lobbyists; and Yolo County's top two law-enforcement officials. While six copped pleas, eight of the 14 were found guilty by juries of ordinary citizens from Sacramento and its environs, all of which reached their verdicts with amazing swiftness. Yet, despite eight years of having their institution tarnished by the stain of corruption and perceived avarice, many within the Capitol's cloistered confines have responded merely by pointing fingers: at the federal prosecutors, at the media, at the

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Capitol Sting

Former Coastal Commissioner Mark Nathanson (center)

jurors, at the voters, at "the system." Everywhere but at their own hearts.

The five-year chronology of the operation code-named "Brispec" (for "Bribery/Special Interest") is familiar to most whose jobs are intertwined with the Legislature. In early 1986 FBI agent John Brennan began posing as an Alabama businessman looking to build a shrimp-processing plant in West Sacramento. Wearing a wire, "Jack Gordon" began looking for corners in which to lay the trap. The trail led first to John Shahabian, a big-talking Senate Rules staffer who operated more or less without portfolio. Shahabian's ham-handed shakedowns made him an easy mark, and when the feds showed him what they had, he agreed to become a government informant and the web grew.

The world learned of Brispec on a warm Sacramento night in August 1988, when an army of FBI agents raided a number of legislative offices at the state Capitol, searching for evidence. Among those targeted in the raids were state Senator Alan Robbins (D-Van Nuys), Assembly members Frank Hill (R-Whittier) and Gwen Moore (D-Los Angeles), and Assembly Republican Leader Pat Nolan (R-Glendale). The cloud hoisted over the Capitol as a result of that all-night raid grew darker and more ominous as the years rolled by. The procession of convictions began with the February 1990 guilty verdict against Senator Joseph Montoya (D-Whittier) on seven counts of racketeering, extortion and conspiracy. Later that year, former Senator Paul Carpenter (D-Los Angeles), who ran the Senate Democrats' political fund-raising arm, was convicted on corruption charges. The next year brought convictions of former legislative staffers Tyrone Netters and Daryl Freeman and a guilty plea from Robbins. For a year prior to his guilty plea, Robbins had been acting as a government informant, and his testimony helped take down two more defendants, former Coastal Commissioner Mark Nathanson (who pleaded guilty) and high-powered lobbyist Clay Jackson (convicted in December of last year). The Jackson case also produced a second conviction for Carpenter, who skipped the country before his scheduled sentencing and now is facing extradition from Costa Rica.

When 1994 dawned, only Hill — since elected to the state Senate — and Nolan remained unprosecuted. Both had been among the group whose offices were raided in 1988. Nolan opted to plead guilty in February rather than face trial, but Hill decided to tough it out. Like Montoya in the first of

Former Senator Paul Carpenter (center)

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the Brispec trials, Hill was convicted largely on the strength of videotapes showing him receiving a $2500 honorarium from another undercover agent. Prosecutors said that, in the tape, Hill looked "like an employee reporting to [his] boss." Hill's lawyer, Stephen Miller, insisted his client "never believed he was taking any official action in return for the honorarium." But while Hill may not have believed it was a *quid pro quo*, the jury did, taking less than nine hours to find him guilty on all three counts against him. The book on Brispec was finally closed.

If any other institution had been subjected to such a clean sweep of prosecutions and convictions, the consequences would have been profound for its leadership. In the business world, such an event would send stock tumbling, stir up revolution among shareholders, and cause just about every head in upper management to roll. Local school board members tainted by this kind of scandal couldn't leave their houses without bumping into someone carrying a recall petition against them. Even in the executive branches of government, scandal at this level could bring down a president or governor. In the Legislature, however, the response can largely be summed up in one word: denial.

"I don't think Hill did anything wrong," says Senate Republican Leader Ken Maddy of Fresno. "I don't agree with the verdict."

"It is impossible in this atmosphere to overcome the almost innate handicap of any governmental official tried before Sacramento juries," says Senator Quentin Kopp (I-San Francisco).

"The fact is that honoraria were legal," says former Assemblywoman Bev Hansen (R-Santa Rosa) of the payoff that resulted in Hill's conviction. "[Hill] is taking a fall because the public believes that politicians are crooks."

Several who didn't have any direct comment on the verdicts themselves insisted the prosecutions were merely cases of people who went overboard getting caught. "Every institution has a few bad apples," said Senate President pro Tem Bill Lockyer (D-Hayward). "In our case, they've been turned into apple sauce."

To suggest that the federal probe has had no effect on legislative attitudes toward ethics would be untrue. Even critics of the Legislature concede the scrutiny of prosecutors has made lawmakers more careful in their dealings with lobbyists and others who contribute to their campaigns. "Their level of awareness has been raised considerably regarding the public perception of what they do," says Ruth Holton, executive director of California Common Cause. "In their dealings with lobbyists, they are more careful not to imply a connection with what they do." One lawmaker even went so far as to include an admonition against any implied *quid pro quo* in a fund-raising letter he sent to potential contributors.

"I think there has been a chilling effect on some of the activity of some of the members," admits Assembly Speaker Willie Brown Jr. (D-San Francisco).

There also have been institutional reforms. The Montoya conviction spurred passage of a constitutional amendment that became Proposition 112. The measure, approved by voters in November 1990, banned honoraria — essentially a check that goes straight into the lawmaker's pocket — entirely, and severely limited gifts. It also established stricter ethical guidelines for lawmakers, including a requirement that they take an ethics training course every year. "In 1988 there was no clear line with respect to honoraria," says Kopp. "If honoraria had been outlawed, we wouldn't be having such a discussion today."

Still, it is remarkable how little has actually changed since 1988. Two of the four legislative leaders in place at the

A *California Journal* survey

Senate was reluctant to bounce Hill

If any single event seemed to crystalize the notion that the state Senate still lingered in an ethical twilight zone following Brispec, it was a survey conducted by *California Journal* in the weeks following the June 16th conviction of Frank Hill (see page 8). The question posed in the survey seemed straightforward enough: Can the Senate muster the necessary two-thirds vote to oust Hill?

To ascertain the answer to that question, the *Journal* asked each of the 39 members of the upper house (Hill was not polled): "If there was an immediate vote to expel Frank Hill, how would you vote?" The poll was taken between June 20th and June 28th, with each senator called several times, or until he or she responded. The *Journal* was careful to point out that the question would be treated as though it were a vote on the Senate floor. Thus, refusing to answer, or responding with a "no comment," would be tantamount to a "no" vote, since expulsion requires 27 "yes" votes.

The result: Two weeks after a federal jury had decided to convict Hill, the Senate was not prepared to demand his resignation.

FOR EXPULSION: Ruben Ayala (D), Leroy Greene (D), Tom Hayden (D), Maurice Johannesson (R), Pat Johnston (R), Bob Presley (D), Herschel Rosenthal (D), Art Torres (D), Diane Watson (D), Cathie Wright (R), Phil Wyman (R) — **11**

AGAINST EXPULSION: Quentin Kopp (I), Nicholas Petris (D) — **2**

NO COMMENT: Al Alquist (D), Marian Bergeson (R), Bob Beverly (R), Dan Boatwright (D), Charles Calderon (D), Tom Campbell (R), Bill Craven (R), Ralph Dills (D), Gary Hart (D), Teresa Hughes (D), Rob Hurtt (R), Dave Kelley (R), Lucy Killea (I), Bill Leonard (R), Tim Leslie (R), John Lewis (R), Bill Lockyer (D), Ken Maddy (R), Milton Marks (D), Dan McCorquodale (D), Henry Mello (D), Steve Peace (D), David Roberti (D), Don Rogers (R), Newt Russell (R), Mike Thompson (D) — **26**

But more than the results, it was the reaction to the survey itself by senators and their staff that brought home the notion that lawmakers just didn't "get it." It was as though no one had the right

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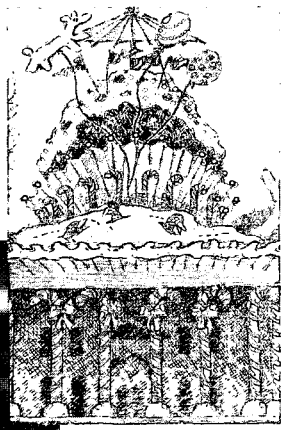
time of the raid — Maddy and Brown — remain in their posts. A third, then-Senate President pro Tem David Roberti, remained in his post until early this year, when he stepped aside to run for treasurer. Only Nolan's early ouster as Assembly GOP leader can be connected with the fallout from Brispec, and even then his removal had as much to do with his caucus losing elections as it did with the scandal itself. Moreover, the biggest changes to the institution have come not as a result of self-correction, but rather as an outgrowth of voter dissatisfaction. The impact of Proposition 140, the term-limit initiative, dwarfs anything Proposition 112 might have done to reform the Legislature.

Also unchanged is the attitudes of many lawmakers about their fund-raising habits. The vast majority of lawmakers — be they Republican or Democrat; veteran or newcomer — continue to scoop up hundreds of thousands of dollars in contributions from lawyers, doctors, insurance companies, tobacco companies, teachers unions, prison guard unions, corporations and consortiums, all the while insisting these contributions have no effect on the way they vote, or how they conduct themselves in their jobs. When a reporter suggested to Lockyer recently that *quid pro quo* arrangements might be continuing, Lockyer tersely responded, "Prove it." To the extent that Brispec has had an impact, he insists, it has been merely to weed out a few bad apples who obviously went over the line. "Inappropriate behavior has been cut off, and I would anticipate that to become part of the culture," he says.

Former Senator Alan Robbins (left)



"When an issue comes up, do you pay attention to [contributors]? Yes, you pay attention to them," says Assemblyman Phil Isenberg (D-Sacramento). "But if you don't have the courage of your convictions, you shouldn't be in the business."

Isenberg's words echo the somewhat saltier manifesto of the late Assembly Speaker Jesse Unruh, who suggested that if a legislator couldn't accept the sundry pleasures

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to even ask whether Hill ought to be expelled, and that no one *else* had the right to set the rules under which responses would be recorded. Reaction ranged from exasperation to cold fury. The *Journal* was accused of pressuring members, of being eager to oust Frank Hill, of conducting an "unscientific poll." Senator Don Rogers (R-Bakersfield), said that the question was "irrelevant," although he did not explain why. Heidy Foster, an aide to Senator Dan McCorquodale (D-Modesto), accused the *Journal* of threatening her boss. Senator David Roberti (D-Van Nuys) said he would not comment because a response might be seen as an attempt to second-guess leadership, which presumably was negotiating the timing of a resignation with Hill.

Not every member was recalictrant or angry. Eleven senators said they would vote to expel Hill. "People would say that we're protecting one of our own," said Senator Ruben Ayala (D-Chino), in a response typical of those who voted "yes." "It's difficult to justify taking away all his duties but keeping him on the payroll." Nearly all "yes" votes acknowledged being personal friends with Hill, but added that friendship and duty to office must, in this case, be kept separate.

"I was sworn to support this institution and the juries of California, so if it came to a vote, I'd have no choice but to vote 'yes,'" said Senator Phil Wyman (R-Tehachapi).

But the survey struck a raw nerve in the Senate. Some members echoed the sentiments of Senate Minority Leader Ken Maddy (R-Fresno), who considered the Hill verdict wrong. Others were loathe to go on record as forcing Hill out and wanted someone else to shoulder that burden — or for Hill to resign and therefore fade quietly into the night. But Hill lingered on. Stripped of committee assignments and vowing not to cast floor votes, he had devolved into an embarrassing repository for paychecks and *per diem* payments.

Finally, the Senate Rules Committee on June 30th, voted 4-0 to approve an expulsion resolution authored by Senator Leroy Greene (D-Carmichael), chairman of the Senate Ethics Committee. (The lone abstension was Petris, who maintained that Hill should not be forced from office until the appellate process had run its course.) In calling for the vote, however, Rules Chairman Bill Lockyer (D-Hayward) seemed to point fingers at everyone but at Hill. Mostly, he grumped at the press, accusing the media of being "too eager" to get Hill. Eventually, he voted for Greene's resolution.

But in framing the issue before Rules, Greene spoke to the "morality and ethics of the house." No more. No less. Thus, he left his colleagues — finally — little wiggle room. Hill resigned on July 8th.

— A.G. Block (Assistant Editor Kirsten Mangold conducted the Journal's *survey.)*

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offered by lobbyists and still vote against them, they didn't belong in the Legislature. For many outside the manicured grounds of Capitol Park, however, these bromides don't pass the "giggle test."

"If somebody gives you enough money over a period of time, naturally you're going to vote the way they want you to," said Robert Bartosh, a juror in the Clay Jackson trial. "The system allows it to happen."

"You can convince yourself, I suppose, that being contributed to doesn't influence you," says political scientist Sherry Bebitch-Jeffe, who used to work for Unruh. "I don't see that there's any way it cannot."

That pressure doesn't just come from the lobbyists or contributors — it sometimes comes from within the institution itself. While in the Assembly, Connelly eschewed social contact with lobbyists, and avoided inviting advocates to fund raisers, calling the practice "morally corrosive." As a result, he was routinely among the five worst fund raisers among Assembly Democrats. His reward for this attention to appearances? A decade in the Assembly, zero committee chairmanships. Yet even Connelly felt the heat from his donors when an issue came up and they wanted his vote.

"I've been there, and it's actual pressure," he says. "Unless there's a conscious effort to separate yourself from that kind of inducement, I think the average person can get trapped."

Former lobbyist Clay Jackson (left)

The ease with which even reasonably honest people can get sucked into an ethical gray zone suggests to many that the main lesson to be learned from Brispec is that the campaign-finance system is a failure. "We're looking at a fall campaign where you could see spending of $200 million," says Larry Berg, director of the Jesse Unruh Institute of Politics. "That's a lot of money, and it's got to come from somewhere." Common Cause's Holton says "it's not the individuals, it's the system, and until the system is cleaned up, we're going to continue to have this kind of problem."

The problem, of course, is that campaign reform means different things to different people. Holton, Berg, and any number of others believe the best way to "clean up" the system is to institute campaign spending limits and public financing of legislative elections. By replacing privately raised contributions with public money, they argue, legislators would be obliged to consider the views of ordinary citizens at least as much as those of large contributors.

"The taxpayers are being pennywise and pound-foolish in not doing this," says Berg. "This would remove the cloud over elections and the process." For many in both parties, however, the notion of using taxpayers' money to finance elections is a political non-starter.

"There's no indication that California taxpayers are willing to spend a dime on politicians right now," says attorney Joe Remcho, who has represented the Legislature in court battles over campaign reform.

These differing views of campaign reform are often less driven by ideology than by partisan advantage. This year, legislation that would institute public financing of legislative campaigns cleared the Assembly Elections and Reapportionment Committee, the furthest such legislation has gotten. However, the bill, authored by Lockyer, contains very broad contribution limits and allows virtually unfettered transfers from legislative caucus PACs to candidates — a position which advantages Democrats. On the other side, 1988's Proposition 73, which the state Supreme Court has recently agreed to re-hear, imposes only contribution limits and bans transfers among candidates — a position which advantages Republicans. With this level of partisan conniving, it's little wonder reform efforts are hardly moving at light speed.

Ultimately, however, any discussion about ethics must go beyond a mere consideration of legal construction, for questions about ethics are, at their core, questions about conscience. "You don't just legislate ethical issues out of existence," says Alan Rosenthal, director of the Eagleton Institute on Politics at Rutgers University. "The legislative community needs to take responsibility for training and guiding members, and good examples need to be set by leadership." Bebitch-Jeffe believes it is an ethics vacuum at the top that has brought the California Legislature to its current state. "There's no leader saying, 'Let's clean house and get it together,'" she laments. "There is tinkering around the margins, but people don't trust the solutions that come out of the institution."

To reverse this trend, Bebitch-Jeffe, Rosenthal and others say lawmakers should take the perception of impropriety every bit as seriously as they take the law itself. "The message ought to be that commonly accepted ethical standards ought to kick in, even where the law doesn't prohibit something," says attorney Remcho. Connelly offers his former colleagues a simpler admonition: "Just call 'em straight," he says. "It's good government, and I believe it's good politics." The extent to which lawmakers follow Connelly's advice will likely be the extent to which the "Shrimpgate" scandal leaves a lasting imprint on the Capitol.

"For those who care about our political institutions, these scandals should be wake-up calls," says Rosenthal. "I'm sorry many legislators haven't awakened, but I guess some of them are very heavy sleepers."

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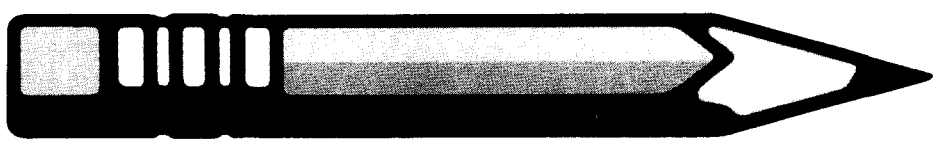

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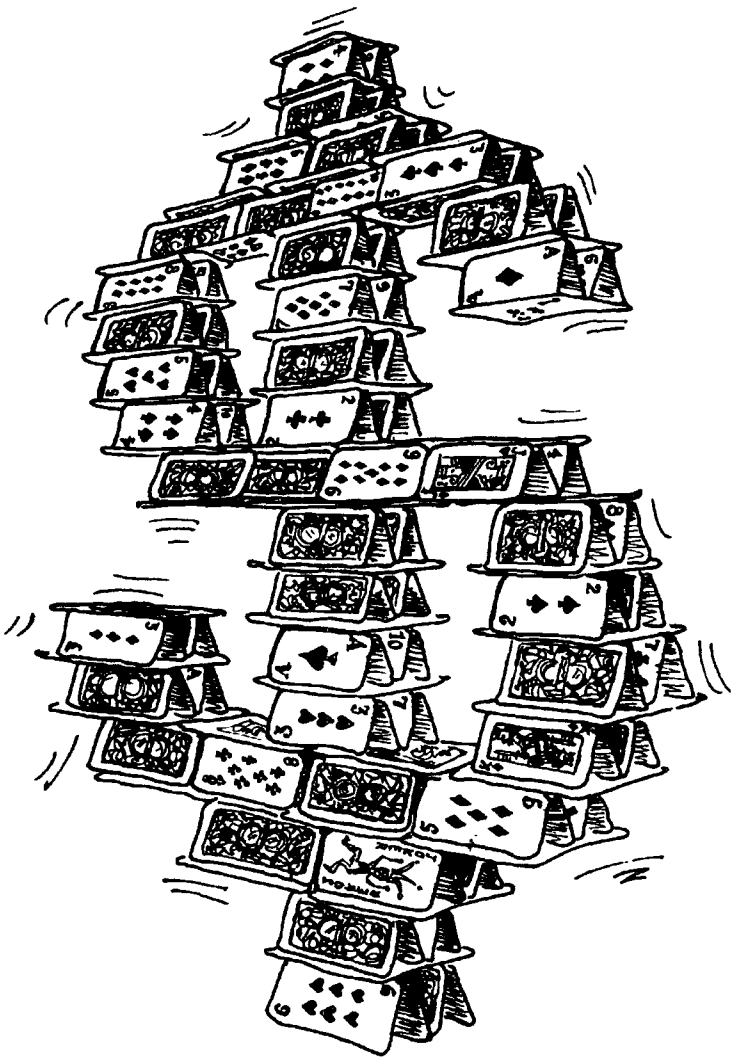
The 1994-95 budget

Spending plan sets state priorities in tough economic times



By Danielle Starkey

A state budget package is more than just a fiscal document. It is a political document as well, for it is here, inside the pages of the government's spending plan, that political leaders determine California's priorities. Those preferences may involve grand social themes or narrow election goals. Sometimes the politics are local: a new park for an incumbent with a tough re-election campaign. Hard times may intrude, as they do today, making the choices ever more difficult. But taken as a whole, the state budget says, in ways big and small: "This, then, is what we are all about."

The 1994-95 state budget and its attendant trailer bills passed the Legislature and were signed into law by Governor Pete Wilson early last month. The Senate vote on the budget was 27-11. In the Assembly, the vote was 55-18. In many ways, the package is unprecedented. It spends $57.3 billion, borrows some $7 billion in short- and long-term loans, rolls over nearly $4 billion in debt into fiscal 1995-96, and anticipates paying off that debt with $2.8 billion from the federal government. It also contains a "trigger" mechanism that authorizes cuts in many programs should the budget become seriously out of balance next year. It contains no new taxes.

But below those raw numbers lingers the essence of the budget, and the message it sends about California. For the third year in a row, education funding is frozen for K-12 schools at $4217 per-pupil. Student fees at the University of California and California State University are increased by 10 percent. At the same time, spending for the Department of Corrections is increased 9.4 percent. The budget cuts welfare grants to the state's poorest citizens by 2.3 percent and suspends for the second year in a row the renter's income-tax credit. At the same time, the trigger mechanism, to be implemented if the state's financial condition worsens, does not include extension of an income-tax surcharge on California's wealthiest citizens beyond its 1995 expiration.

Governor Wilson signed the budget on July 8th — only eight days past the constitutional deadline for having a new spending plan in place. And the governor profusely thanked the Legislature for its help in designing the budget. He ought to have done more; he ought to have bought Speaker Willie

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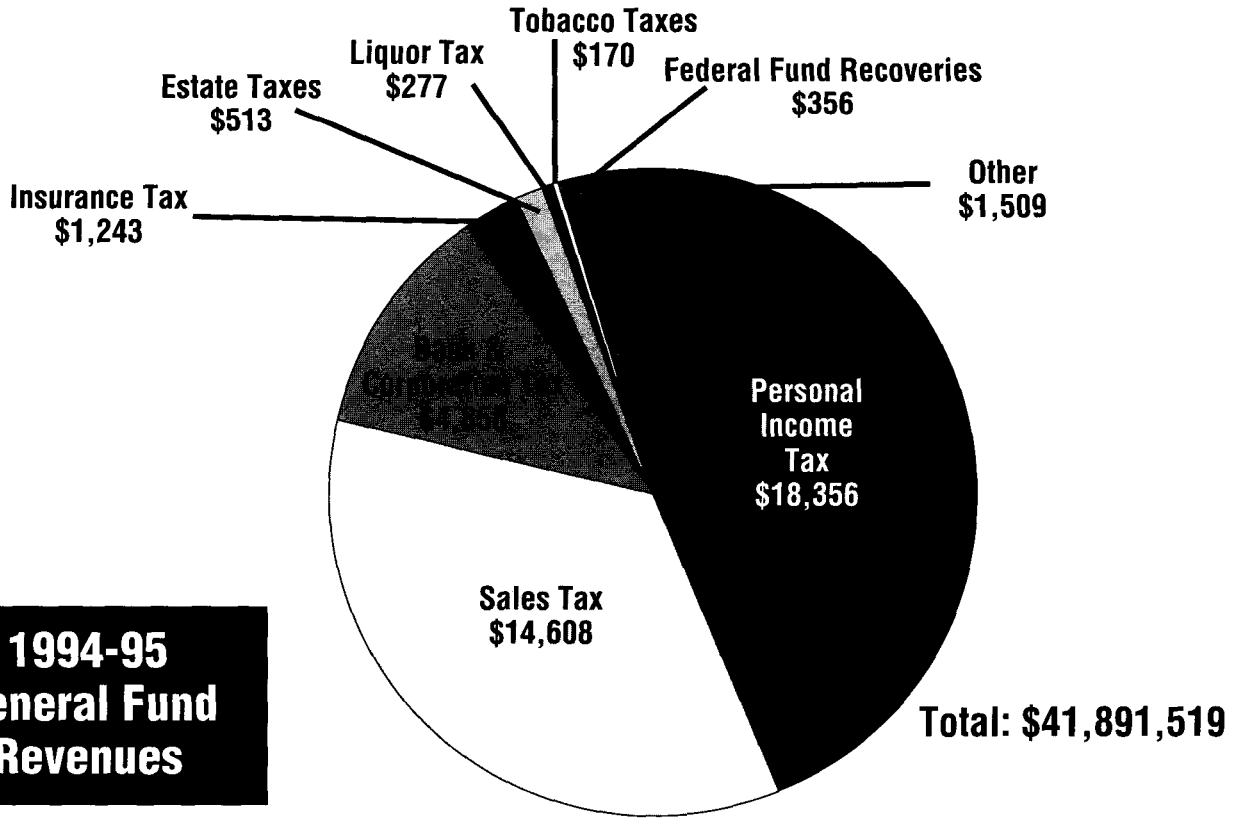
Brown Jr. (D-San Francisco) a new Lamborghini, for the budget was very good for Pete Wilson. Not only did it cut welfare benefits while increasing spending on prisons and preserving the state's bureaucracy, it was signed within a hair-split of the June 30th constitutional deadline. Thus, Wilson avoided a protracted deadlock such as happened in 1992 when the budget limped onto his desk 63 days past the deadline and only after the state had begun issuing IOUs to pay its bills. A similar deadlock in 1994 could have savaged the governor's re-election campaign, especially if the key issue had been framed around Wilson's insistence on lowering income taxes for the wealthy.

But such a deadlock also posed serious dangers for Democratic legislators, especially the six members of the Assembly who now represent districts where voter registration favors Republicans and a handful of the 16 Democratic senators also up for re-election. A long delay, fraught with daily headlines about gridlock in Sacramento, could have played havoc with their re-elections, too. And there was no guarantee that Democrats could have contained the issue to the narrow scope of tax-the-rich; Republicans could have broadened the issue to that of raising taxes in general. Democratic legislators also would have had to rely on their gubernatorial nominee — Treasurer Kathleen Brown — to frame the issue and carry the fight to Wilson during the fall campaign. And Democratic lawmakers may have been loathe to rely on Brown for so critical a task, given that they were less than pleased with the way her own budget proposals undercut them during negotiations with Wilson and GOP lawmakers.

Thus, legislative Democrats had their own priorities to consider. And to some observers, the main priority for Willie Brown was the protection of his six incumbents. It was this landscape that the speaker surveyed as the budget took shape. As a result, Democrats made some bitter compromises in the name of protecting their own at the polls. At best, Democrats were reduced to saying they had staved off cuts that could have been worse.

As it did a year ago, the spending plan reflects Republican priorities. Democrats tried to ward off deep health and welfare cuts, originally set in Wilson's January budget plan at up to 25 percent — a figure almost no one expected to hold. Eventually, the cuts were whittled to 2.3 percent, but the pain in the budget still is mainly borne by the Democrats' traditional constitutency: the poor, the disabled and college students. The reductions in welfare grants save the state $56 million in 1994-5; a similar reduction of 2.3 percent affects the aged, blind and disabled.

The state's wealthiest residents, on the other hand, will see their personal income tax drop in 1995-96 and no tax loopholes will be closed nor any other taxes raised. The only time rich Californians were threatened at all involved the trigger mechanism, insisted upon by banks who plan to lend the state some $7 billion in long and short-term loans and who wanted some guarantee of a revenue stream to pay back the loans. The trigger would shore up the state's cash position by forcing across-the-board cuts in state programs. Some Democrats had wanted those cuts to be accompanied by the extension of a higher income-tax rate on wealthy Californians, due to sunset next year. But Wilson and Republicans balked at any extension. Had the 10 percent rate on individuals earning more than $100,000 (and 11 percent for those earning more than $200,000) continued, as Democrats half-heartedly proposed, instead of dropping back to 9.3 percent, the state



1994-95 General Fund Revenues

(Dollars in Millions)

Source: Department of Finance

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would have collected $310 million in 1995-96 and $800 million the following year.

"I did everything I could think of to add tax justice to this budget and failed," Senate President pro Tempore Bill Lockyer (D-Hayward) told his colleagues. "It seems to me if you're unhappy with the budget, you should elect a new governor. But the time to negotiate is past."

Some Democrats get testy when asked why they gave in with barely a murmur. "When I went into this, I had three goals," said veteran budget negotiator Assemblyman John Vasconcellos (D-Santa Clara), chairman of the Assembly Ways and Means Committee. "I wanted to protect the kids on public assistance from being gouged by a 25 percent cut [in welfare];" to ensure the poor and elderly continued to get medical treatments such as dental care, and to keep fees for community college students at the same level as last year, and to cap fee increases for students at UC and CSUS at 10 percent.

"We acceded to many cuts that I feel are worrisome [and] we didn't get the tax extension [on the wealthy], but we did without that to protect people's food, education and welfare, and I'm not embarrassed by that."

Those closest to the negotiations said that Wilson and Republicans refused to place any tax increases, or even an extension of the tax surcharge, on the negotiating table. But the governor did come up with a creative funding source to balance his budget, with the cooperation of most lawmakers: the federal government.

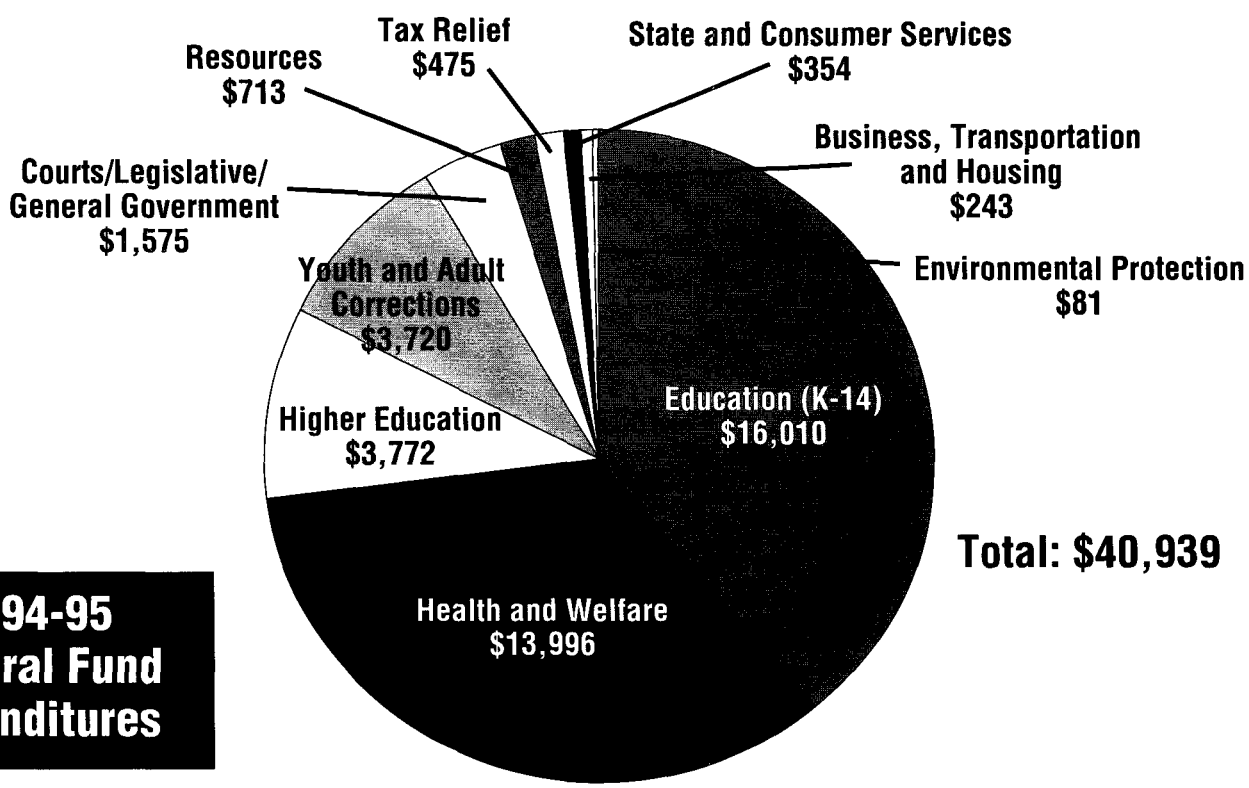
Almost before the ink was dry on last year's budget, Wilson began laying the groundwork for blaming this year's fiscal woes on the federal government. His message: If Washington doesn't pay what it owes the state for costs associated with undocumented immigrants, the state's legal residents — especially the poor and college students — will pay the price.

Wilson built his $54 billion January budget on the shaky premise that the state would get $2.3 billion from the federal government for immigration costs. For months, he refused to back away one penny from that demand, insisting until as late as mid-June that to do otherwise would take pressure off the federal government. To no one's surprise, the money never materialized, at least not as expected. California will get a few billion from the federal government, but not for undocumented immigrants. The money is earmarked to repair some major freeway arteries in Southern California that were knocked down by the January Northridge earthquake.

In mid-June, Wilson finally acknowledged that the expectation of $2.3 billion in immigration money was unrealistic, and he whittled it down to $763 million this fiscal year. And just as predictably, he began pointing fingers at Washington, even though the Democratic Clinton administration had budgeted more for California for immigrants than any previous administration.

"This year, California will collect enough revenue to cover its own bills," Wilson said about a revised budget presented in June. "But we can't afford to pay the federal government's bills as well without reducing services to the legal residents in California. That is exactly what we are being ... forced to do."

Senator Tom Hayden (D-Santa Monica) was among those who suggested the state close some tax loopholes for corporations and the wealthy in order to make up at least part of the difference, but the governor refused to consider any "tax increases" to balance the budget, except for low-income



1994-95 General Fund Expenditures

(Dollars in Millions)

Source: Department of Finance

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renters, whom he said should have their tax credit suspended for the coming year.

The acknowledgement that Washington would pony up only about one-third of the governor's request meant that, to have a balanced budget, the state had to come up with the rest. Wilson called for rolling over $1 billion into 1995-96, along with an existing $3-billion operating deficit that's accumulated during his administration. The governor also proposed eliminating prenatal care for pregnant women; ending the $100 per month supplement to women who conceive while receiving aid; cracking down on counties that he claimed were trying to chisel the state out of property tax revenues; and making a few other cuts.

A few of the governor's detractors accused him of playing a blame game in order to avoid making the hard decisions required by a state facing a chronic debt and rising caseloads in Medi-Cal and welfare. Assemblyman Phil Isenberg (D-Sacramento) complained that the budget not only relied on excessive borrowing and unrealistic assumptions of the federal government's largesse, it failed to make any long-term structural changes in government to make it more efficient.

Kathleen Brown then stepped into the limelight with a suggestion that the state turn the deficit into a longer-term debt to be paid off in five years. She also proposed a budget which called for a 5 percent cut in welfare grants as well as an extension of the higher tax brackets for the wealthy. That Brown was willing to countenance *any* welfare cuts effectively pulled the rug out from under legislative Democrats.

Asked how Brown's plan influenced the budget negotiations, Willie Brown said it was a "hindrance" because it "put Republicans in the position of agreeing to something less than she said."

For a time, it seemed budget negotiations might hit a snag when the Senate passed but the Assembly balked at a budget that had been hammered out by a two-house conference committee dominated by Democrats. The conference plan knocked down Wilson's proposed 10 percent hike in spending for the Department of Corrections to 7.5 percent; restored optional medical benefits such as dental care to the poor; and reduced the 25 percent welfare cut to 2.3 percent — the maximum allowable to states without a federal waiver. The plan was even supported in the Senate by fiscal conservatives Bill Leonard (R-Redlands) and Tim Leslie (R-Carnelian Bay).

But Assembly Republicans wouldn't go along, and Minority Leader Jim Brulte (R-Rancho Cucamonga) was said to be angry that it fell to his caucus to block the plan, which he complained contained the smell of potential tax hikes.

"Until we get the idea that taxes aren't part of this budget, we won't get any movement," Brulte said during the Assembly's floor debate on the plan.

The snag set the "Big 5" of legislative leaders and the governor into motion for the first time. After some late-night private meetings, they made several changes to the budget, including restoring some cuts made by the conference committee: $120 million to Corrections; 15 of the governor's political appointees; and $3.9 million for the Office of Planning and Research.

One of the key points of contention was the trigger bill proposed by Democratic Controller Gray Davis. Davis, a candidate for lieutenant governor, said the measure was necessary because lenders from domestic and foreign banks demanded some sort of backup plan as to how they would be repaid by the state, since the pay-back scheme for a $4 billion, 22-month loan depended on California getting $2.8 billion from the federal government for costs associated with undocumented immigrants in 1995-96. The investors didn't specify how they needed to get the money; they just wanted assurances that it would arrive. As controller, Davis must sign off on the loan. Last month, he indicated he couldn't "in good conscience" because the governor's budget and borrowing plan was "flawed."

Davis suggested a "trigger" if lawmakers failed to maintain a balanced budget during the next two years. The initial trigger proposal consisted of a combination of across-the-board cuts in all programs not protected by the constitution, including health and welfare, Corrections and higher education, and an extension of the surcharge on the state's wealthiest residents. But that proposal could not get sufficient votes in either house, and the final plan makes only across-the-board cuts. That the proposal could cost legislators their ability to establish their spending priorities didn't seem to bother most of them.

"That's the only trigger that could get the votes," Speaker Brown said. "If I thought the trigger had any chance of being pulled, I'd be making the [program] cuts today."

At the budget signing ceremony, Wilson said that while he thinks "the better way instead is to make selective cuts," the automatic cuts are a "useful device to impose discipline on spending." Such a good idea, in fact, that he'd consider extending the idea to future years.

In addition to the budget, there were 12 trailer bills designed to implement the spending plan. The Senate approved all of them, but the Assembly rejected one that would have eliminated prenatal care to undocumented women, for a two-year savings to the state of $149 million, but an undetermined increase in costs to counties. Those that were approved, among other things, suspended the renter's credit and froze welfare benefits to women who conceive while receiving the aid, projected to save $22 million in 1995-96.

Assemblyman John Burton (D-San Francisco) characterized the freeze as punishment for the poor. "If you want to punish the poor for being poor, stand up and say, 'I want to punish the poor for being poor, and I don't want them to feed their kids.' But don't say [this] is going to lead to self-sufficiency," as Republicans had claimed during the floor debate.

Another trailer bill forces prison inmates to pay all or a portion of their cost of imprisonment, if a court hearing determines they have the ability to do so. They also will be charged a $5 fee for each "inmate-initiated" medical visit, if they have the ability to pay it. Also established was the "Battered Women Protection Act of 1994," which authorizes $30 million to be spent in the next two years to fund shelters for victims of domestic violence and provide assistance to district attorneys to prosecute domestic violence cases. Finally, the trailer bill that cuts welfare by 2.3 percent effectively lowers payments to a family of three from the 1990 level of $694 per month down to $593 per month.

The governor signed the budget in a quiet ceremony, even though it was some $70 million out of whack due to the failure of the one trailer bill. He had earlier insisted that "all" trailer bills be in place before he signed the budget, but relented, saying he expected legislators would reconsider their vote on providing prenatal care to undocumented women in August.

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The Bottom Line

GOVERNMENT FINANCE

Trigger happy

By Susan Rasky

Assemblyman Phil Isenberg (D-Sacramento) said it best last month when he urged his colleagues to reject the $57.5-billion sham that now passes for California's budget. The budget, he said, was a declaration of bankruptcy — not economic bankruptcy, but "the moral and intellectual bankruptcy of the political leadership of this state."

Isenberg, an idealist in spite of himself, was only half right. He assumed that fiscal responsibility, moral integrity and some overriding notion of the public good were qualities on which Californians might judge the effectiveness of their elected officials. Maybe citizens somewhere in this state still apply such standards. But for the small fraction of the California electorate that can bestir itself to vote every so often and for the much larger portion whose negative view of government is registered in statewide opinion polls, the standard is simpler: Don't raise taxes, don't commit blatant theft and don't bother us with details or problems.

Judged by those criteria, Governor Pete Wilson and Assembly Speaker Willie Brown Jr. (D-San Francisco), who cast their lot together back in January for a no-muss, no-fuss budget, achieved a smashing success. The sheer audacity of assuming the federal government will supply immigration money is all the more impressive since the rickety two-year borrowing plan upon which the budget rests has the seal of approval from the state's largest bank and the consortium of lenders it heads. For now, that loan guarantee, and a dubious trigger scheme to force automatic spending cuts in 1996 if the federal money doesn't materialize in that year either, seem to be enough to satisfy the criteria of the national credit rating agencies. California, like Brazil or Argentina in the early 1980s, is apparently too big to fail.

Journalists, who by nature expect the worst from both politicians and the public, have yet a different set of criteria for judging political leadership, especially when it comes to budgets. For starters, we have this obsession about the trains running on time. Perhaps because deadlines add drama to an otherwise dull subject, our coverage attaches inordinate importance to whether the politicians meet theirs. Second, because we assume that all budgets are rigged, that politicians will always avoid the tough choices and that the public doesn't want to understand the true fiscal policy issues facing the state, we focus on reporting the contest. Who's won, who's lost, and what it might mean for the next election.

These are largely the standards by which office holders judge themselves. And since the two constitutional officers most intimately acquainted with the mysteries of triggers, cash flow and credit markets are the Democratic treasurer, is running for governor, and the Democratic controller, who is running for lieutenant governor, the political post mortem on this particular budget may be more instructive than usual.

In short, Pete Wilson's victory could not have been more complete.

Not only did the governor avoid the pre-election spectacle of a gridlocked Legislature that might have undercut his image as a competent manager, he also scored smaller, symbolically important personal and party victories by tightening welfare rules, blocking tax increases on a key component of the GOP voting base and keeping the immigration issue alive for 1994. Thanks to the triggers, he will have it conveniently available for the 1996 presidential election as well should he find himself in that arena.

It's hard to decide what was more stunning, the apparent willingness of Democrats to let him clean up so easily in his most vulnerable year or the unusual degree of discipline among the normally fratricidal Assembly Republicans. Neither party had an appetite for repeating the protracted budget battle of 1992. But as Assembly Minority Leader Jim Brulte (R-Rancho Cucamonga) observes, the political landscape this year differed considerably from 1992, when education funding was the major sticking point and Republicans found themselves on the wrong side of the voters. This time, Brulte says, it was clear early on that K-14 education would be protected and that lawmakers in both parties had interests in placating middle class voters by limiting cuts to the higher education budget. That left a battleground of taxes, social services and corrections — all issues on which the GOP position tracks the mood of the electorate. Add to the equation the legislative election line-up — more Democratic than Republican seats at risk in both the Assembly and the Senate and thus a greater gamble for Democratic incumbents in a long budget fight.

"For Wilson it would have been a nuclear explosion. For us it would have been radioactive fall out," says Senate President Pro tem Bill Lockyer.

"Simply put," Brulte argues, "we were in a position to hold out longer for what we wanted without as much risk to our individual members as there was for Democrats. Sure, the governor would have been hurt some if the fight dragged on, but look what we would have been fighting over — raising taxes, cutting welfare and cutting corrections. You think I was going to let Democrats who voted for the Three Strikes bill cut corrections?"

Touché.

Accept then, just for the sake of argument, that there was little the Democratic leadership could have done to play a bad hand better. Accept that protecting a Democratic majority in the Legislature at the expense of hurting the campaign of the Democratic gubernatorial nominee was a politically rational, if not particularly noble, decision. And assume that the Democratic legislative majority holds in the November election.

The true political test of leadership is whether that legislative majority, or state Democrats in general, are then positioned to wage the next budget battle, or even the one after that on more favorable terms. It's hard to see how.

The two-thirds voting requirement that gives the legislative minority powerful leverage in budget fights does not change. The fiscal policy choices certainly don't get any easier. But the most damming indictment, the true measure of the Democratic leadership failure, is that the politics of taxes, welfare, immigration and crime don't get better

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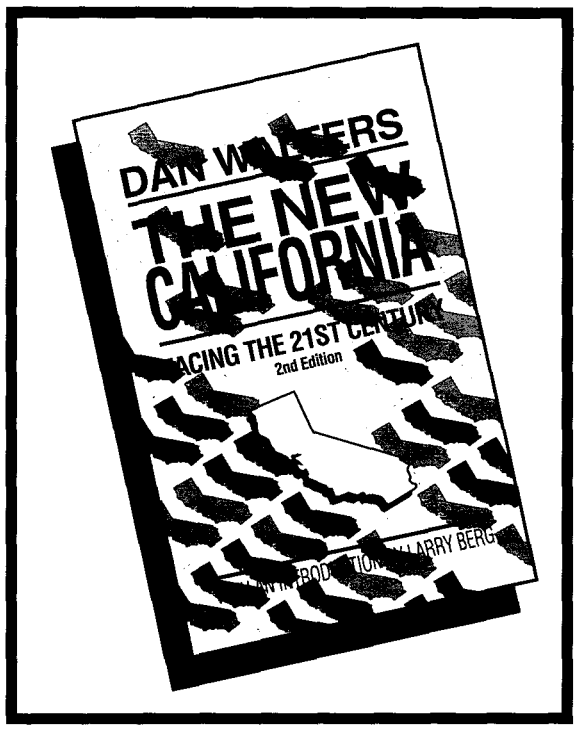

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Soapbox
OPINION

Sick of primaries? The cure could be worse

By David E.Sturrock

The direct primary election has been a staple of California politics since Progressive Governor Hiram Johnson killed off corrupt, special interest-dominated party conventions in 1911, but it seems this reform may have worn out its welcome with campaign-weary Californians. Primary turnout has dropped dramatically since the 1970s, and newspaper editorials regularly decry the high costs, negative tone and hollow content of primary campaigns. Having endured another contentious and expensive primary season, voters might be tempted to consider another method for selecting party nominees, if only to buy some relief from the candidates and their campaign clatter.

Before consigning the primary to the ash heap, however, consider some of the alternatives. While Californians were reaching for their channel changers, I had the opportunity to attend state party conventions in New York and Virginia. Much of what I have to report may seem strange, and probably disturbing.

The New York Republicans held their convention (technically a meeting of the 394-member state central committee) in Manhattan in late May, while the Democrats held a similar gathering in Buffalo a week later. Official party endorsements went to candidates who won at least 50 percent of the convention vote, and those who won 25 percent were automatically placed on the September primary ballot. Failing that, a candidate could run in the primary only by gathering 15,000 valid petition signatures from voters affiliated with that party within a 30-day period, and fending off the party's skillful use of the state's endlessly arcane petition requirements to disqualify the challenger's signatures.

The GOP gubernatorial endorsement was largely determined by the manueverings of U.S. Senator Alfonse D'Amato and state Senate Majority Leader Ralph Marino. Delegates were also vulnerable to persuasion by their county chairmen, who in most cases had hand-picked them to serve in the first place. Other endorsements were determined in the back rooms and ratified by the convention with minimal dissent, and four of the five official party candidates were largely unknown to the general public.

While there was less public arm-twisting at the Democratic Convention, the Buffalo meeting did feature some curiosities of its own. Party leaders attempted to artificially inflate support for three candidates so they could receive automatic primary slots, and even contemplated waiving the 25 percent requirement altogether, as they did for U.S. Senate hopeful Al Sharpton in 1992. Such games-playing dilutes the credibility of these endorsements, and surely makes New Yorkers even more cynical about politics, which is no mean feat.

In early June, meanwhile, over 14,000 Virginia Republicans filled the Richmond Coliseum to nominate Oliver North for the U.S. Senate. These delegates had been chosen at 182 local meetings, which were open to any registered voter. While clearly democratic, these conventions, like the presidential caucuses in Iowa and elsewhere, are highly susceptible to domination by well-organized groups whose agendas may be narrowly focused. The religious right has been quite successful in electing delegates through this system, and provided the core — although hardly all — of North's support. Candidates nominated by these conventions may find their electability diminished because they need to court activist blocs within the party rather than the broader mix of voters who are likely to show up for a primary.

At least in 1994, Virginia's Republicans would have been well-advised to hold such a primary. Commonwealth election law allows the parties to use either conventions or primaries, and this year the Democrats opted for the latter. A primary may have produced the same result, but the nominee's drawing power would have tested before a larger and more varied audience.

In earlier years I was actively involved in many California primary campaigns. After watching the New York and Virginia systems at close hand, I am convinced Hiram Johnson had it right. The primary election gives voters a direct say in determining the choices that will appear on the November ballot, lets party leaders and activists participate but not dominate, and requires successful candidates to appeal to a broad array of interests and issues. It is easy these days to be weary, even resigned, about politics in the Golden State, but the primary election benefits from comparison with alternatives used elsewhere. In contrast to voters in New York and Virginia, Californians have a meaningful and time-tested tool for choosing candidates. Use it or not, but don't take it for granted.

David E. Sturrock was active in Santa Clara County Republican politics for many years and was a plaintiff in San Francisco Democratic Central Committee vs. Eu, *which successfully challenged many of California's restrictions on political party activity. A graduate of San Jose State and the University of California, Riverside, he now teaches political science at the State University of New York, Brockport.*

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THE RACE FOR

Democrat Gray Davis and Republican Cathie Wright vie to serve a heartbeat away

Gray Davis

In a large conference room above Sacramento, state Controller Gray Davis was oddly exhilarated by the week's budget crisis. He had just returned from a meeting with a large group of bankers who demanded the state prove it would have the revenue to pay back a $4 billion loan. Legislators were scrambling to come up with a series of potentially Draconian "triggers," which would automatically cut spending or raise taxes if expected revenue did not materialize (see budget story, page15). Davis had said he would not sign off on the loans if these guarantees were not made. "It's exciting," he said. "It's like coming to terms with a life style defect that is propelling you to the grave."

Several hours earlier GOP state Senator Cathie Wright had entered her crowded Capitol office to be greeted with manila envelopes stuffed full with the daily mail, most from supporters or detractors of this bill or another, but included was one from a vehement man who wanted to complain about the electronic recording devices that had been implanted in his head. "I love people," Wright said as she made her way back to her desk. "Whoever they are."

Davis and Wright are running for the often-invisible post of lieutenant governor, held since 1982 by Democrat Leo McCarthy, who is retiring from state service. Davis and Wright provide a stark contrast: the careful controller and the sometimes too-passionate senator. Alhough a skillful politician, the 51-year-old Davis is at least half technocrat; his personal style reflects his name more than any populist flamboyance, and the issues he pushes tend to be more calculated than emotional. In line with current nomenclature, he calls himself a "different kind of Democrat," expounding earnestly on the imbalances created by unequal economic conditions, but moving quickly to assure listeners that he is a fiscal conservative. "We have an economic as well as a humane interest in seeing that everyone can produce, in seeing that everyone has self-esteem," he says.

Wright, 64, is a polar opposite of the somewhat colorless Davis. She is volubly passionate about the range of conservative values she supports, so much so that she often lets her words run ahead of her and says things that come back to haunt her. An example earlier this year found her angrily telling a critic at a committee hearing that he would only have the right to criticize special-interest contributions to legislators' campaigns when he himself began to contribute. Wright said that much of her reputation in this respect has been created and blown up by the media. "Say something at a point of frustration ... they can make headlines on it, they can write columns on it, they can decide your intelligence based on that one little statement. Everything else you've done that is good is never printed," she said.

Neither candidate is a new name in state politics. Davis started his career with an abortive run for state treasurer in 1974, and then became chief of staff under Governor Jerry Brown. He served two terms in the Assembly from West Los Angeles before moving to the controller's office in 1986. Wright has served in the Legislature for 14 years, 12 as an assemblywoman from Simi Valley. She is currently halfway though her first term as a state senator.

The lieutenant governorship is an office that gets little publicity, has little real power, and has historically been a poor stepping stone to

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LIEUTENANT GOVERNOR

By John Borland

higher office. But Davis contrasted it with his current position. "The controller basically comes in to clean up a problem," he said. "I would like to work on the front end. I liken this job to the guy following the elephant around in the circus."

Davis sees the lieutenant governor's position as head of the state's Economic Development Commission as a tool to avoid future budgetary and economic crises. He is vehement on this point, despite the lackluster role the commission has played in past administrations. "I want to breathe life into the ... commission," he said. "I want to reach out to small, medium and large business and tell them we appreciate their putting up with our nonsense."

Wright is less specific, if no less ambitious about her hopes for the job. The position's responsibilities and influence are "wide open," she said. "It depends on what kind of energy you bring to the office." The senator added that she believed the office would be a good platform from which to evaluate and streamline the state bureaucracy. "I'd like to have the time afforded in that position," she said. "I'd like to look at some of the programs, look at some the laws we have on the books, and eliminate them. Not based on emotions, but based on the facts and figures."

These differing conceptions of what the office should be are not unusual or at odds with a clearly defined list of responsibilities. The post comes with a $90,000 salary but little in the way of real power; there is the marginal chance that the governor might die or be picked for higher national office, allowing the lieutenant governor to accede to the top job, but this has not happened since Earl Warren moved to the U.S. Supreme Court in 1953. The lieutenant governor technically breaks a 20-20 tie in the Senate, another extremely rare event, and serves as a University of California regent and a trustee for the California State University system.

This leaves the officeholder to define the job largely as he or she chooses. The office has a $1.3 million budget and a staff of 19. McCarthy said that he spends most of his time working on economic development issues, working with foreign governments and trade representatives to help open new markets to state businesses. His position as lieutenant governor of California is "a much bigger deal" in Asia than in his home state, he said earlier this year.

In a year when impending term limits has provoked unprecedented attempts at political office-swapping, it could be said that a bid for lieutenant governor was just a step upwards in the middle of a political career. Certainly Davis, who ran against Dianne Feinstein in 1992's Democratic U.S. Senate primary, has shown no lack of ambition. But McCarthy made two unsuccessful bids for U.S. Senate, and in recent memory only Democrat Mervyn Dymally, who served in the early 1970s and went on to win a congressional seat, parlayed the seat into some other office — and then, only after he was defeated for re-election as lieutenant governor by Republican Mike Curb back in 1978.

Roy Baer, a Democratic consultant and former McCarthy aide, dismisses the notion that holding the seat is tantamount to political suicide. "There aren't many places to move up to," he says. The competition for the top seats is fierce, he adds, stressing that McCarthy simply ran at the wrong time, against the wrong people.

Cathie Wright

Illustrations by Norm Hines

John Borland is a graduate student in journalism at the University of California, Berkeley, and a California Journal *intern.*

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But the relative powerlessness and the historical lack of promise of the job does nothing to dampen the candidates' enthusiasm for its potential, and the upcoming campaign promises all the drama of any other race, minus the media attention.

As of the middle of summer, the campaign resembles nothing so much as a David-and-Goliath match. Davis is relatively well-known throughout the state, both from his time as state controller and from his ill-fated run for Senate. Wright has a base of support in Southern California, particularly in conservative areas, but has gained little statewide name recognition from her low-profile primary against Redding Assemblyman Stan Statham.

In funding, too, there is a huge discrepancy; as of early July, Davis had amassed a campaign chest of $2.3 million. Wright, by contrast, was forced to spend herself into debt in order to beat Statham, and had little cash on hand going into the summer. Republicans say she doesn't need to match Davis dollar-for-dollar. "She just has to raise enough money to get her message out to the voters," says GOP consultant Ray McNally.

In the primary Wright relied on what her chief aide, John Theiss, called a "ground game," mobilizing district volunteers to spread her name and her conservative message. In a Republican primary skewed to the conservative voters — particularly with such a low turnout — this strategy proved successful. But Davis has enough money for quite a few well-placed, well-produced television ads, the lifeblood of the modern Californian political campaign. The controller has a mixed history of attack ads; a 1992 spot comparing Feinstein to incarcerated hotelier Leona Helmsley backfired badly, but should not dissuade Davis from mounting an aggressive media campaign against Wright in the fall.

Davis has been working hard to control the traditional Republican issues — crime and business— before Wright has a chance to define herself or him in the public eye. He has the advantage of being a moderate with a reputation for fiscal conservatism and a record of support of economic plans that would not be out of place at a meeting of Republicans. He is currently trumpeting his backing of the Taco Bell tax-break plan — he asserts that the corporate tax break given the corporation headquarters would more than pay for itself in personal income tax gains — and has close at hand a sheaf of articles he has written on streamlining the state's business regulations.

He has also taken an early lead in garnering law-enforcement support, a vital link in any campaign this year. In combination, these factors should protect him from the soft-on-crime, hard-on-business brush often used to tar Democratic candidates.

Wright is betting that her conservatism will resonate with an increasingly right-leaning voting population. With her opponent staking out the middle ground, she will need to link her fate with Governor Pete Wilson as much as she can, trying to take advantage of Wilson's crack campaign team to boost her own candidacy. One of her biggest advantages, Republican observers say, is Davis' past as Governor Jerry Brown's chief of staff — if she can link her opponent with Brown's liberal legacy, and particularly the appointment of the unpopular Rose Bird to the state Supreme Court. If so, she may be able push Davis away from the center in the minds of swing voters. "She has an uphill fight," says veteran McNally. "But she is a scrapper. She's run a lot of tough campaigns in the past and won."

Despite the support she may get from Wilson's campaign, Wright is in the uncomfortable position of needing women's votes to win, but also needing to attack a woman candidate for governor — Democrat Kathleen Brown — who is well-liked by most organized women's groups. She says that she hopes that this will be the true year of the woman; in the past, she says, "When they talk about the year of the woman, they talk about the Democrats." She makes a distinction between ideology and gender representation, saying they are part of a package, and that voters and women's groups should look at both. "Who more can represent a woman than someone with the heart and feelings of a woman?" she asks.

But Davis is already moving to capture this base of support, too. His campaign has compiled a long list of Wright's legislative votes on "women's issues," going back to her years as an assemblywoman, on which it says "Wright is wrong." Claiming to review the votes of 13 years, the list — and others like it focusing on different issues — is not complete, but will be a powerful campaign tool when shown to women's groups.

With three months left, the race is still wide open, and as in the Old Testament, Cathie Wright as David still has every opportunity to win in November. But the odds are stacked against her; she'll have to find a mighty strong slingshot.

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HIPCs

California health-insurance program a model for the nation?

By Carol Brydlof

Supporters of California's highly acclaimed health-insurance program for small employers went into 1994 hoping that their innovative experiment in managed competition would keep its already low rates stable for the coming year.

But when new rates were announced last month, the numbers were even better than optimists had expected. Assembly Health Committee Chairman Burt Margolin, the Los Angeles Democrat who sponsored the legislation that established the Health Insurance Plan of California (HIPC), announced that the model program would be able to *cut* its rates an average of 6.27 percent for the coming year. Rates for the state's largest market, Los Angeles, dropped by almost 8 percent — the steepest drop in the state; rates for subscribers in the Sacramento area dropped by 5.6 percent.

Few would argue that the HIPC, available to employers with five to 50 workers, represents a solution to the state's health-care insurance problems. The HIPC insures 44,000 California workers and dependents; a tiny fraction of the approximately four million working Californians who don't have medical insurance. But less than a year after it began enrolling its first employer groups, the HIPC has drawn national attention and praise, despite its relatively modest size and scope. The program is believed to be the only example of pure private sector managed competition — one of the essential elements of President Bill Clinton's health care reform. Experts working on the president's health-reform plan cite the program as living proof that health-care alliances or insurance purchasing pools, a crucial part of Clinton's plan, are actually working in a real-world laboratory.

"I don't know anyone who is not impressed with the program," said Richard Curtis, a health-care policy analyst with the Institute for Health Policy Solutions in Washington, who helped draft the Clinton plan. "The folks at the White House view it as the model of what the alliance structure should be.

"It differs in some significant ways from the Clinton plan, but it also does achieve two fundamental objectives of the Clinton plan: using alliances to bring down administrative costs and give consumers broad choice. California's experience is invaluable, before they proved it could work, it was just an idea."

The praise is not limited to Democrats.

Governor Pete Wilson, who conveniently omits any mention of Margolin or the Democrats when he touts the program, extols the HIPC as a model of how managed competition ought to work — by offering small businesses affordable insurance for their workers without new taxes or employer mandates. In fact, the Republican governor has flat out said that in its own way the state has solved the nation's health-care crisis.

In a speech this past April to several hundred politically active physician-members of the California Medical Association that focused mainly on two of Wilson's favorite political themes — crime and illegal immigration — the governor took a moment to talk about the HIPC.

"The federal government should allow the states to be what they are — living laboratories," said the governor.

California's HIPC differs from Clinton-style alliances in two important ways: It does not require employer participation, and it is not the only source of insurance for small employer groups, who are free to shop elsewhere for coverage. These differences make California's program both more politically attractive and, critics worry, make it impos-

Carol Brydlof is a freelance writer from Davis.

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sible for the HIPC to help the majority of the state's uninsured workers because it has no mandates.

Modest though it may be, California's program is demonstrating the value of regional buying pools and proving that managed competition can preserve choice, offer competitive and even below-market rates, limit administrative overhead and offer a standard benefit package through a wide range of 23 health-maintenance organizations (HMOs) and pre-paid organizations (PPOs).

Operated by a state agency with just 13 employees, only three of them working full-time for the HIPC, the program's initial enrollment statistics surprised even its most optimistic supporters, exceeding expectations by 15 or 20 percent despite the program's low-key marketing campaign. The most recent figures indicate that the HIPC has enrolled 2402 small businesses, 23 percent of whom had not offered their workers insurance before; 23,606 employees and 18,148 dependents (in insurance parlance, the program covers 41,754 total "lives").

The HIPC divides the state into six geographical rating regions; small employers and their employees in each region have a choice of four or more health plans that contract with the state-sponsored HIPC. Tough insurance underwriting reforms, some of the strictest in the nation, were included in the legislation that established HIPC. Health plans that contract with the HIPC must offer a standardized menu of benefits and must agree not to offer these benefits to buyers outside the HIPC for a lower price. A number of major insurers have signed on, including Kaiser Permanente, HealthNet and Aetna.

HIPC rates are attractive. The lowest 1993-94 HMO rate for an individual employee available through the Sacramento and Central Valley regional HIPC is $85 a month. The rates for comparable HMO benefits for an individual available outside the HIPC in the same region are $105 (HealthNet), $130 (Kaiser), and $120 (Blue Cross). Next year's HIPC rates are even lower. The HIPC is, however, offering affordable benefits to thousands of previously uninsured workers and making coverage more affordable for scores of small employers, many of whom had been unable to find insurance at any price.

Julia Hook, chief executive officer of Managed Care Innovations in Seal Beach, finally convinced two carriers to write policies covering the company's 48 eligible employees. "My broker told me to look at the HIPC," she said. "We are saving $37,000 a year over what the other carriers would have charged, and our employees are getting a much broader array of choices. I'm a believer."

Although they are gratified by the program's success thus far, some of the health-care reformers who designed the HIPC caution that a voluntary program without employer mandates or some kind of mandatory financing cannot solve the larger social problems of unequal access to health care.

"We're in somewhat of an awkward position," said Emery Dowell, a former Blue Cross executive and health care consultant who sits on the Managed Risk Medical Insurance Board (MRMIB) that administers the HIPC. "What we've established here is really good for small businesses who are motivated to offer their employees these benefits. It's better than anything they've had before. But we've got to be careful we don't get more credit than we deserve."

A number of those who have played key roles in the state's vigorous and unsuccessful health-care reform battles to implement a single-payer plan, universal coverage and employer mandates, are now part of the Clinton team. Dr. Phil Lee, former University of California at San Francisco chancellor and founder of its acclaimed Institute of Health Policy Studies, is assistant secretary for health in the Department of Health and Human Services. Walter Zelman, who helped draft a program for universal coverage for all residents of the state that was adopted by both houses of the California Legislature in 1992 but vetoed by Wilson, is one of the chief architects of the Clinton plan.

Zelman, like Dowell, says he admires California's HIPC for the good things it has accomplished but has no illusions that it represents a solution to the problems faced by most uninsured residents of the Golden State.

"It's a nice program," said Zelman. "In many ways it's a model for what we're doing. But the bottom line is it's 25,000 people, and that's not enough by itself to get the costs down. When you've got four million people uninsured, that's pathetic. You don't get there unless you make people pay."

But insurers who hate the idea of compulsory participation in alliances say it's crucial that health-care reformers adopt the idea of the voluntary alliance.

"We have a lot of complaints about mandatory alliances," said Anne Eowan, legislative counsel for the Association of California Life Insurance Companies. "But the HIPC is voluntary; it doesn't try to be the end all or be all. It's an experiment, and we're willing to give it a try. If it became mandatory, and

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everyone had to buy insurance through the HIPC, I think you'd see the incentive to reduce rates diminish. An open market is essential." The business community has remained vehemently opposed to the idea of requiring employers to insure workers. Even staunch supporters of employer mandates acknowledge that such requirements could push some employers to cut jobs or even force them out of business, especially those that operate on razor-thin profit margins. (A 1989 analysis of the impact of an employer mandate estimated it would displace between 50,000 and 100,000 low-income workers nationwide.)

Dr. Tirso del Junco, a general surgeon in Los Angeles who chairs the state Republican Party, said that physicians are so worried about the prospect of universal managed care that most of them aren't spending much time worrying about voluntary alliances like the HIPC.

"If you surveyed most physicians [about the HIPC], they don't know much about it," he said. "I think it's a good plan for small business. The problem is that the average physician is so upset and obsessed with universal managed care, he doesn't focus on other things.... The so-called Clinton plan does not offer true choice. Under managed care, the guy who does the least makes the most money."

In one major way, the HIPC's future, like that of many institutional players in the world of health insurance, will be deeply affected if voters approve the single-payer initiative on this November's ballot. The California Health Security Act would wipe out all private insurers, making the state the single provider of benefits for all Californians.

"Because the HIPC is predicated on the existence of private insurance companies, it would simply cease to exist if the measure passes," said MRMIB board member Dowell.

Dowell said the board hasn't addressed the issue, and he doesn't think his colleagues will take a position on the initiative. "Private insurers and business are extremely worried about single payer, of course," Dowell said. "They're raising huge amounts of money to oppose it, but I wouldn't be inclined to bring it before our board."

Meanwhile, the larger debate over health policy doesn't concern the likes of Dennis Chaplin. He doesn't participate in the larger health policy debate over whether California's voluntary model can solve the nation's health-care woes. But he does know that his family would be in terrible financial straits if he hadn't gotten health insurance through the program.

Less than a month after his employer, Sacramento-based Office Supplies Unlimited, offered him and his six co-workers health care benefits through the HIPC program, his 12-year-old daughter collapsed on her way home from school. Doctors found a malignant tumor the size of a fist pressing against her spine. Chaplin had changed jobs just before his daughter became ill and the family was uninsured before he was finally able to get insurance through his new job. "I don't know what we would have done without insurance," Chaplin said. "I guess we would have gone on public assistance."

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The race for controller

Republican veteran Tom McClintock takes on Democratic newcomer Kathleen Connell

Almost every California taxpayer is vaguely aware of the state controller, but only because of his or her signature on such things as tax forms and refunds. Beyond that, little attention is paid to the job by the population at large. Even less attention is paid to it by voters at election time, given the plethora of decisions that must be made regarding every constitutional office, the Legislature and a laundry list of ballot measures. Nor do statewide offices, with the exception of governor and attorney general, gain much media coverage.

Thus, obscurity itself poses a problem for the two major-party candidates running this year for controller — Republican Tom McClintock, a former assemblyman from Thousand Oaks; and Democrat Kathleen Connell, a political newcomer with extensive experience in the corporate business world. Incumbent Democrat Gray Davis is vacating the job to run for lieutenant governor (see story, page 22).

Kathleen Connell

Illustrations by Joni Hill

McClintock and Connell each emerged from a primary where they faced significant opposition. Connell took on two experience politicians — Assemblyman Rusty Areias of San Jose and Alameda County Supervisor Don Perata. She won impressively, capturing 49 percent of the vote. Despite her opponents' political experience, Connell ran the most adroit campaign, centered around polished television and radio advertisements that focused on her success as a businesswoman and preyed on voters' dislike of incumbent politicians. She spent a mint on her primary campaign — about $1.5 million — much of it from her own pocket. Areias actually outspent her, but his last-second infusions of cash proved to be too little, too late.

The Republican primary, on the other hand, contrasted vividly with the Democratic fray. It was the old hand — McClintock — who emerged victorious over the independently wealthy political neophyte, John Morris, heir to the Mervyn's retailing fortune. McClintock, a staunch conservative with views approaching libertarianism,

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By Mary Beth Barber

Tom McClintock

gained more than 60 percent of the GOP vote. Like Connell, Morris spent plenty of his own cash; about $800,000. In the end, Morris' money wasn't worth nearly as much as McClintock's ballot designation — "taxpayer advocate." Since leaving the Legislature to make an abortive run for Congress in 1992, McClintock has headed up the conservative Center for the California Taxpayer.

In the general election, the two candidates face the singular problem that will plague every candidate not running for governor, U.S. senator or attorney general — getting heard above the election din. That will take money, of course, probably on direct mail and perhaps some last-minute television blitzes — provided either candidate can find air time that is not wrapped around the Home Shopping Network or cable re-runs of "Gilligan's Island."

Meanwhile, the candidates themselves present vastly different pictures to the public. The 38-year-old McClintock was first elected to the Assembly at age 26 and quickly became known as a conservative gadfly willing to tangle with governors from his own party and with fellow lawmakers regardless of party. He constantly predicted doomsday budget problems and criticized administrations and the Legislature for what he called "waste in government." Few state departments were spared his wrath; McClintock even alienated typical GOP supporters like law-enforcement and prison-guard unions by suggesting they were overpaid. While some of his free-market ideas such as privatizing street lights are still pshawed as the ranting from the hard right, many of McClintock's dire budget predictions came home to roost in the 1990s. None of this hurt McClintock in his Southern California district, nor with conservative Republicans who rally around his anti-government battle cry. Some conservatives even touted McClintock as a potential gubernatorial rival to Governor Pete Wilson in 1994, but he decided to run for controller instead.

While McClintock is a familiar face in Sacramento, Connell, 47, is a relative newcomer. She has had some experience in local government after having served as Los Angeles' housing director under then-Mayor Tom Bradley from 1977 to 1983. Most of her experience is in the private sector and in academia. She was known on Wall Street as former head of financial services for Chemical Bank and as the chief of a Southern California financial consulting firm. Academics know her as a founding member of the Center for Finance and Real

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Estate in the business graduate program at UCLA.

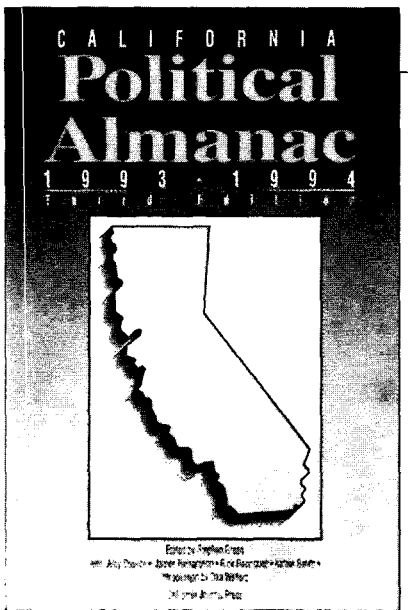
Californians, however, got to know her as the woman in pre-primary television commercials. Those commercials, dropped into the primary race with about a month to go, were slick, positive and informative, and contrasted markedly with the tough-talking self-promotional ads pumped out by the Perata campaign. Connell's media campaign — produced by the consulting firm of Grunwald, Eskew and Donilion, which worked for President Bill Clinton in 1992 — provided her with much needed momentum heading into early June. Her campaign team also included issues and policy director Fred Register, a consultant who's worked for former Democratic Attorney General John Van de Kamp. Connell, who is married to a successful Simi Valley real estate developer, holds a doctorate from UCLA.

As for the fall campaign, both Connell and McClintock have indicated that in addition to publicizing the positive about themselves, they will let voters know some negatives about their opponents. McClintock, for example, may be accused of being a career politician who never got any of his ideas past the Legislature and was disliked by his own party. Connell, on the other hand, could be lambasted for having her initial campaign money come from her own pocketbook, and accused of having the Los Angeles housing commission receive some negative publicity during her tenure.

Both candidates indicate that the mud their opponents might hurl is actually an advantage. McClintock, for instance, plans to portray himself as an outsider willing to "speak up against waste," even against his own party. Connell, who says the money she poured in from her own account was a loan that will be repaid, can mention that as someone willing to bankroll herself, she's not beholden to special interests for campaign cash.

"Connell on television and on paper looks like a great controller, and she's a woman," said pollster Alex Evans, who worked for Perata during the primary. Evans believes that women especially will support Connell in large numbers. Women's groups like NOW and EMILY's List, a Washington, D.C., PAC dedicated to electing Democratic women to office, have voiced support for her, as have a number of state employees' unions who dislike McClintock's anti-government reputation. And Connell will get support from the Democratic Party, he said, even if she is a newcomer. "She's potentially a star," said Evans.

Republicans, on the other hand, think that other factors give the advantage to their candidate; namely, low-voter turnout, ballot measures that appeal to conservative voters and a heated battle expected between Wilson and Democratic gubernatorial candidate Kathleen Brown. The "Save Our State" initiative that would limit medical coverage and education to undocumented immigrants and their children, as well as the "Three Strikes" crime initiative, will likely bring out conservative voters, said consultant Wayne Johnson, who's running McClintock's media campaign and has been highly



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successful with other conservative Republicans. "I suspect SOS will be a disaster for Democrats," he said.

Johnson agrees with Evans that the controller's race won't gain much attention. But the two other high-profile women on the ticket, Brown and incumbent Senator Dianne Feinstein, will affect Connell on the ticket, he believes. "There is a major gender gap going on in the Democratic Party with the alienation of Democratic males," he said. "It's not an issue, it's a phenomena."

Evans agrees that the Republican ticket as a whole is a lot stronger than it has been in past years, but the idea that Connell will lose because of alienation of Democratic men is bunk, he said. "That has always been the case," said Evans of the theory that moderate, inland men don't often vote for women. "The key is to get the moderate Republican women on the coast — and she's got them."

While political consultants may be spouting theories about who will become the state's check-writer, no one has any hard evidence either way. Pollsters have concentrated on other races, the media have focused on the races for governor and the U.S. Senate, and both candidates are just beginning their drive toward November 8th. Commercials for most statewide races won't appear until after Labor Day, said Johnson. And neither campaign has any idea exactly how much money it will spend, just that the fund raising has been looking up since the primary. Estimates are close to $2 million each.

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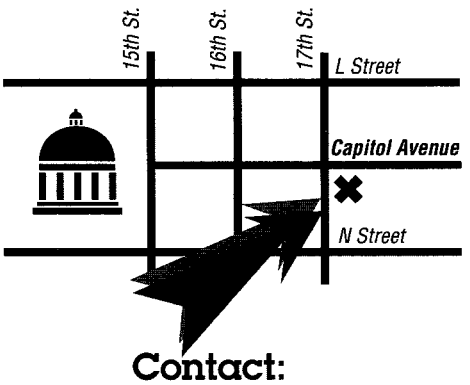

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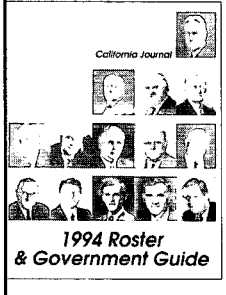

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"Affordable housing"

Despite a promise for reform, the law remains tangled, and efforts to overhaul it have snagged

By Elizabeth Schilling

Illustration by Christopher

When it comes to California's current housing law, there is almost universal agreement among those involved with it — it needs a major overhaul. Local officials say the paper-heavy system creates an unfair burden on them in an era of funding cutbacks. Housing advocates object that too few rentals or affordable houses are being built. Realtors, builders and industry groups want incentives to kick-start any type of home construction — the core of the California economy.

A major overhaul seemed imminent two years ago when Governor Pete Wilson announced housing reform as a priority in his Strategic Growth Management Report. But with the legislative session drawing to a close, improvement is no more likely in 1994 than when earnest debate began in the wake of the administration's report. Meanwhile, as legislative reform has been stalled, a string of successful lawsuits brought by housing advocates continue to keep the issue in motion.

As a legislator in 1968, then-Assemblyman Pete Wilson helped create the state's first law on housing. That

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law mandated that general plans for each city and county contain a housing element designed to create so-called "affordable" housing. But the law seems to have created more battle zones than construction zones.

Current law has been criticized on all fronts because it sets down certain procedures that local governments must follow in order to have their projects approved by the state. To get that approval, localities must prove that their housing elements comply with state requirements. The judge and jury in this case is the state Department of Housing and Community Development. Among other things, local planning documents must establish a goal of how many new units the jurisdiction will build over a five-year period to help ease the state's need for affordable housing. The housing element also must designate what land will be zoned for affordable housing and set out policies to encourage such construction.

Everyone had been working toward compromise, but now it seems things have shifted to the the kill mode.
— Mark Brown, CRLA

One of the major forces pushing reform is the HCD, which currently reports that only 46 percent of the state's cities and counties are in compliance with its standards, according to Carolyn Baudenhausen, HCD deputy director of legislative affairs. "This low compliance level points to another problem of the current law," said Baudenhausen. "Many more jurisdictions could qualify because they are providing low-cost housing even though it doesn't look that way on paper. We need a more flexible system that is based on production, not the paper planning process."

Ideas to add flexibility include giving credit for rehabilitated housing, transferring credits between jurisdictions, joint housing elements among neighboring communities and allowing cities to combine state and federal documents.

The centralization of power is a prime objection to current law, according to Ernie Silva, a lobbyist with the League of California Cities. "Most cities want to promote housing, and know best what to do. The state is out of touch with what works," argues Silva. "We need to get away from state control and let local officials do what they were elected to do."

But critics say cities can't always be trusted to do the right thing, especially if extra costs are involved, as they often are with affordable projects. They say removing the police power of the state could mean that those local jurisdictions already avoiding their obligations would forever put off addressing the issue.

Two bills addressing housing reform are under debate this summer by the Legislature. Both seek to give local governments more flexibility and authority — just how much, though, is the point where compromise deadlocks. One bill, AB 51, continued from last year by Assemblyman Jim Costa (D-Fresno), would allow jurisdictions to self-certify their housing elements if a strict set of criteria is met, including designation of extra land for affordable housing. Jurisdictions that fail to provide such a policy would continue under HCD review until developing acceptable five-year plans. This bill "stakes the middle ground" for reform, according to Mark Brown, a lobbyist with California Rural Legal Assistance, which supports AB51. Others lobbying for AB51 include HCD, the state Board of Realtors and several industry groups. Less strict self-certification performance standards are outlined in SB 1839, authored by Senator Marian Bergeson (R-Newport Beach). This bill is supported by the League of California Cities and the California Chapter of the American Planning Association.

Passage of either proposal for self-certification would mark the most significant reform in the history of the state's housing law. Authors of both bills hope their efforts will evolve into consensus legislation that the governor could sign as early as next month. But as of the summer recess, each interest group was digging in its heels, rather than reaching out its hands. One recent move, viewed as "bad faith" by CRLA's Brown, was an attempt by the League of Cities to eliminate all current housing mandates in a budget trailer bill. The effort failed but seems to have changed the tenor of negotiations.

"Everyone had been working toward compromise," said Brown, "But now it seems things have shifted to the kill mode." He does not think legislative reform will happen before next year.

Other parties in the intense conference sessions, on going this month, are more optimistic.

"Despite the last weeks, we are closer than we've ever been," said Baudenhausen. "I think we'll get something to the governor."

The flurry of activity in Sacramento is against a backdrop of a winning streak of lawsuits brought by housing advocates throughout the state. These suits, coordinated by the CRLA, have used the courts to enforce existing housing laws in ways that the state has been reluctant or unwilling to do.

Typical of the cases is *Harris v. County of Madera*, a 1993 victory for housing advocates. In initial rulings on the case, the court was lenient with the county, but when Madera elected officials could not prove they were working toward a housing policy, the courts cracked down and ultimately prohibited the county from approving proposed development on potential low-cost housing sites. Additional orders required the county to adopt a housing element with timelines, and specific programs.

Other jurisdictions where CRLA and local housing advocates mark success include Alameda, Healdsberg, East Palo Alto, Los Altos, Yuba County and most recently, Oxnard. While diligence to comply with court orders varies among the affected jurisdictions, all those involved concur that the lawsuits have raised housing policy to the top of their agenda. No doubt this string of lawsuits has inspired action, concedes HCD's Baudenhausen, but the major drawback to court-ordered housing elements, she said, is a resulting policy that caters to the plaintiff rather than broader housing concerns. That may be true, agrees CRLA's Brown, but until legislative reform is achieved, judicial mandate remains the only leverage housing advocates can employ. New lawsuits with different cities are being prepared, Brown said, and may be filed as soon as this summer.

If current legislative reform fails, the cause will continue next year, according to all parties now negotiating in Sacramento — although no one relishes the thought.

In a moment of joking about the frustrating attempts to shape a consensus bill, one housing advocate summed up negotiations by saying: "It's hard to admit, but after coming out of some meetings, I have a strange new level of respect for the genius of current housing law."

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COMPUTER TROUBLES

Unplugged on the information highway

Illustration by Mike Tofanelli

By John Borland

The plan: Speed the state of California on a state-of-the-art cruise down the information highway. The goal: Do away with endless rows of filing cabinets, endless desks filled with typewriters, make information available at the push of a key. The tool: The Big Computer.

The result: Not quite as predicted.

Instead, California's foot-to-the-floor entry onto that information highway has become a series of metal-grinding wrecks. First, it was the Department of Motor Vehicles: $44 million dollars for a computer project that didn't work. Next, the Student Aid Commission: as much as $50.9 million for a financial-aid processing system that would not do the jobs it was designed to do. Among others, the huge Department of Social Services: a projected $800 million tab for a computer project that may — or may not — work.

Spurred by banner headlines, policy-makers and observers are concluding that something is rotten in the way the state buys and builds its computer systems. Two major projects have failed this year, losing tens of millions of dollars in a state scrounging for every loose nickel. Other projects are experiencing the same cost overruns and schedule delays that plagued the DMV and student-aid disasters.

"There are a number of computer programs that have the potential of going the way of the DMV," warns Assemblyman Richard Katz, the Los Angeles Democrat who chairs the Assembly Transportation Committee.

A report released by the Legislative Analyst's Office in late June listed 11 projects that it believed to be experiencing problems, ranging from demonstrated failures to minor schedule delays. One of the ventures thought by many observers to particularly risky was the $800 million Department of Social Services attempt to automate and centralize the state welfare system. The department has failed in several

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John Borland, a graduate student in journalism at the University of California, Berkeley, is a California Journal *intern.*

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other computerization efforts since the late 1960s and is currently embarked on a technological path similar to that which required Florida to spend tens of millions of dollars resuscitating its own overloaded welfare system.

Observers say a combination of poor oversight and flawed procurement processes have contributed to these problems. While all admit that similar catastrophes do happen in the private sector, the stories of wasted taxpayer money are sparking criticism of the Wilson administration and increasing calls for action. The state, say more and more editorials and analysts, cannot afford to continue on its present course.

The LAO points its finger mostly at the Department of Finance's Office of Information Technology, created in 1983 by a Legislature just starting to recognize the challenge presented by multi-year high-tech projects. The office's responsibilities, according to the LAO, were to include planning and coordinating the use of computers across state agencies. But the office chose not to engage in big-picture planning, deciding instead to let departments make their own decisions about what was needed, and focusing instead on evaluating and approving the departments' "business plans" for their projects.

H.D. Palmer, assistant director of the Department of Finance, defends his office's self-conception. "It is not a computer czar," he says. Individual departments are in the best position to determine what they need out of a computer system, and these needs are by no means identical across agencies, he adds. "We believe responsibility is best placed in the hands of the decision makers."

But it is the OIT, says senior legislative analyst Bob Dell'Agostino, that is in the position to see and address developing problems with varied computer projects. "If anyone ought to be aware of problem projects, it's that office," he says. It is not just the few crisis situations that the office has overlooked, he adds; the office's lack of leadership has resulted in more expensive projects in many agencies.

But oversight is only part of the problem. Also lurking along the trail to computer nirvana is a serious potential for disaster within each project's developmental process.

In the case of the DMV fiasco, investigations by Katz and his committee found several cases of "revolving-door" employment practices — instances in which DMV employees had left for the private sector, worked in companies involved in the department's project, and had then returned to the DMV. Katz speculated that this had been partially responsible for the problems and called for investigations by the Fair Political Practices Commission and the Sacramento district attorney's office.

The *San Jose Mercury News* reported in early July that it had done an extensive review of documents related to the DMV project, and had found evidence of conflicts of interest and even an alleged cover-up of mistakes on the part of Tandem Computers, the company that built the system's hardware. Tandem responded with a two-page advertisement in the *Mercury News*, claiming the reporter had misconstrued the facts and had drawn erroneous conclusions.

With two major projects now written off as losses, anxious observers are looking at the $800 million Department of Social Services welfare database...

But despite the DMV fireworks, few believe that individual corruption — if it is a factor at all — is wholly responsible for the failure of two major systems and the sluggish progress of many others. For several years critics have charged that the state's technology procurement process — from the time a department tries to define what it needs in a new system to the point where it is delivered — is seriously flawed. Early in 1993 the Little Hoover Commission released a report that found the procurement system "cumbersome, slow and costly for the state and the vendors," and that procurement decisions were too often based simply on a low-cost decision, failing to take into account factors of quality, efficiency or long-range expenditure. The report also blasted the process by which a vendor could protest a department's decision to buy from another company, a criticism taken up by June's LAO report.

The system works more or less like this:

A department that wants to create a new system first writes up a report explaining to the Office of Information Technology what it needs and how to get it. Once the OIT signs off on this, a "request for proposals" — a document telling private companies what the department wants — is prepared by the department, in conjunction with the Office of Procurement or with the help of outside consultants. The bid is sent to vendors, who then go through several rounds of proposals, revisions and contract negotiations. Eventually all the bids are submitted with a dollar value attached, and the state makes up its mind. The final decision most often is made on the basis of which bid is cheapest, though other factors frequently are taken into account in a so-called "best value" decision. Any losing vendor that believes it should have won is allowed to protest; the project is then held up until all protests are resolved.

This system works well in theory. But analysts say the complexity and technological level of large projects is far beyond some departments' capability to conceive and manage. Some lack the expertise to draft a complicated proposal and are forced to depend on outside consultants for their specifications. Other departments write proposals that are so detailed that they precisely describe a specific company's system, making it tough for competitors and difficult to avoid the high prices that come with a lack of competition.

"In some cases departments don't pick the best solution," Dell'Agostino says. And even if they do, he adds, they are not always able to carry it out on their own.

Pat Jones, a spokesperson for the Office of Procurement, says that most departments do have an idea of what they want, but that no plan is perfect. "The reality of managing a contractor on site is different from paper," she says. "Things come up that weren't contemplated." This is why Dell'Agostino

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and a growing group of legislators are pushing for an office that is familiar with high-tech projects and their problems; as they see it, the OIT should fulfil this role.

A multi million-dollar competitive process is bound to create bitter losers. But a large proportion of vendors are saying that the procurement system needs to change, that the state's process is an obstacle to getting the best products. Don Harmata, a Sacramento attorney who represents vendors, says that he has seen projects won by influence with the department — the equivalent of lobbying — or simple familiarity with the procurement system. "It rewards those who do the process well," he says. "It does not reward those who provide a good solution."

Larry Beebe, executive vice president of Creative Systems, is protesting a bid his company recently lost. "The state was ill-prepared, and I believe, frankly, that the consultants blatantly manipulated the bid," he says. The bid process was too fragmented, he adds, with the contracting department constantly changing its requests. He asserts that the state's unfamiliarity with the systems he was developing produced a biased decision, and says he will take the protest to court if necessary.

But the protest process too has its problems. This is a vendor's and the state's last chance to catch potentially costly mistakes in the bid or in the final decision. Very few protests are upheld in California; critics say this is due less to the notion that procurement decisions are flawless as to the fact that the Board of Control — the body responsible for resolving protests — is not entirely objective. The 1993 Little Hoover Commission report blasted the resolution process, calling it "fragmented," "informal to a point that credibility is undermined," and relaying perceptions that it is nothing but a "kangaroo court." The LAO has echoed some of the criticisms, and both say that supplementing the board with an independent arbitrator might do a better job of catching errors and flawed decisions.

With two major projects now written off as losses, anxious observers are looking at the $800 million Department of Social Services welfare database — or SAWS. The program was conceived in 1986 as the latest in a line of unsuccessful attempts to take mountains of county welfare data out of filing cabinets and into the computer age. As originally planned, there were to be two separate systems based on the two most common computer systems already operating around the state. Pilot projects for both systems were set up in Napa and Merced counties; a 1991 survey found that 26 of the state's 58 counties expected to go with the Merced solution, six to eight with the Napa system, and the rest with contracts to an outside state data center for their services.

In 1992 the state decided to change the focus of the project. It ran an evaluation of the Merced and Napa projects, and decided that the most cost-effective option would be to use Napa, centralizing it at the state level rather than allowing the counties to run their own systems.

Merced County Administrator Ann Klinger immediately protested. "While this evaluation was going on, we were definitely not ready," she said. Not only did Merced have more cases to process than Napa, she added, but the Merced system was more complex, utilizing a newer technology.

Other questions have arisen since the decision to go with the Napa system. As originally designed the project would run only on Unisys computers, thus raising the specter of a "sole-source" or non-competitive bid process for the final leg of the project. The Napa system is based on a centralized mainframe computer, which welfare offices would tap into each time they needed information about clients. This is similar to the technology used by Florida, which produced a system so overloaded that employees' shifts had to be rearranged and tens of millions of dollars had to be spent to restore an efficient operating speed.

The welfare project is currently phasing into another experimental stage; wishing to avoid DMV-style problems, the Legislature has imposed a series of tests to determine whether the Napa project can be replicated on different types of computer systems. If this works, it will allow competitive bidding to take place, and may give counties the flexibility to use equipment they already have on hand. But the continued schedule delays and changes of direction continue to worry critics.

The recent rash of high profile failures has, if nothing else, created a climate in which observers' cries of "wolf" are widely believed and repeated. Assemblywoman Debra Bowen (D-Marina del Rey) has authored a pair of bills that would create an independent body to oversee and evaluate the progress of information technology projects, and would explicitly assign the OIT a larger role in formulating a long-term state technology plan. "We need to be asking an entirely new set of questions," Bowen says. "We've been building a series of million-dollar filing cabinets."

Governor Pete Wilson appointed a task force in late June to review the problems with technology procurement; the all-Republican group is scheduled to make a report in mid-August. If it can accomplish anything by then, Bowen says, it'll be "the world's fastest task force." But she feels the attention now being paid to the issue is beneficial, and that the critical mass needed to bring about some kind of meaningful reform is being approached. In the race towards the information highway, Bowen says, "we haven't made it off the frontage road."

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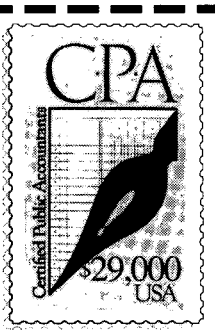

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By Larry Liebert

Constituent services

Kam Kuwata has a more personal understanding than most campaign managers of constituent services, the million-and-one phone calls, form letters and bureaucratic interventions that form a bond of loyalty between a member of Congress and his orher voters back home.

RECALLING HIS FIRST JOB ON THE STAFF of then-Senator Alan Cranston, Kuwata said recently, "I started with Alan in the mailroom as a gofer. Having done almost every job in a congressional office, I know the importance of every job. I certainly know that if you don't answer the phones properly, that could be even more dangerous to an organization's success than if you don't knock on the door of a mayor's office" to keep in touch.

It's a background that prepared him well to work for Senator Dianne Feinstein, alternately on the public payroll as her staff's state director and as coordinator of her election campaigns. As a senator from the largest state, Feinstein gets more than 25,000 letters a week from constituents. As a former mayor, Feinstein is steeped in the conventional wisdom that any politician's sacred duty is to help make sure that the streets are paved, local businesses prosper, government aid flows unimpeded and Social Security checks arrive on time.

The surprise is that this article of political faith has become a contentious issue in Feinstein's battle against a decidedly unconventional opponent, Republican oil tycoon Michael Huffington. The ex-Texan turned Santa Barbara congressman demonstrated his doubts about pandering to constituents by refusing to help when his hometown's Raytheon Corporation wanted the State Department to give it special permission to sell high-tech defense equipment to Taiwan. As Feinstein's campaign commercials have made clear, she was quick to step in for Raytheon and its workers while their House member kept them at arms-length.

"I'm not going to be a paid or unpaid lobbyist for any company," Huffington told the *Los Angeles Times*. Huffington has a point: Federal policies cannot be consistent when lawmakers are always seeking exemptions for their businesses and interest-groups back home. The federal deficit will always threaten to soar back out of control so long as 535 members of Congress talk the budget-cutting game while grabbing every federal dollar they can find for their respective voters. And "constituent services" can be stretched to cover a multitude of sins, including performing blatant string-pulling for fat-cat campaign contributors. (Remember Cranston's assertion that he intervened with federal regulators on behalf of his"constituent," Lincoln Savings of California, which actually was owned by Charles Keating, the Arizona entrepreneur and Cranston political bankroller.)

Nonetheless, most members of Congress appear firmly convinced that constituent services are a prime part of their job. That has been demonstrated by the growth in recent years of district and state offices — Feinstein has four in California — where aides go about the business of catering to constituents.

A typical district office is staffed with "caseworkers" who might help a constituent find a lost Social Security check and with "field representatives" who handle broader issues, such as assisting officials of a local water district who want to appeal a decision by the regional office of the Environmental Protection Agency.

According to the reference book "Vital Statistics on Congress, 1991-1992," the number of House employees based in members' district offices grew from 1189 (22.5 percent of their personal staffs) in 1972 to 3027 (41.5 percent) in 1990. Over the same period, the number of Senate employees based in the states increased from 303 (12.5 percent of personal staffs) to 1293 (35 percent).

Lawmakers say the growth reflects not an urge for political patronage but the expectation that members of Congress, and their hometown staffs, will run interference for constituents facing the modern federal bureaucracy.

"We have become ombudsmen. We have become the problem-solvers who are not only immediately accessible to constituents with individual problems but quite often the broker of problems between levels of government," said Congressman Vic Fazio (D-West Sacramento), chairman of the House Appropriations Legislative Branch Subcommittee.

Those who study the internal workings of Congress trace the growth of House district offices and Senate state offices to the expansion of the federal government in the 1960s. That created greater demand for lawmakers to serve as intermediaries. In the 1970s, lawmakers eager to combat the voter cynicism that flowed from Watergate and the Vietnam War further expanded the offices "back home" to demonstrate that they were on top of constituents' real problems.

Working as far as a continent away from the lawmaker's head office in Washington, the staff in these district offices often feel ignored and slighted by the self-important policy wonks at the office on Capitol Hill. The Congressional Management Foundation, which advises lawmakers on how to run their offices, notes sympathetically that it is the district staff who must face the "frontline" pressures of "the destitute mother crying on the phone because her welfare check is held up ... the irate constituent refusing to budge from the waiting room until he speaks with his representative ... the community meeting where you have to defend your boss for taking a position you advised him not to take."

Arguably, the constituent casework accomplished by such staffs explains at least in part why voters consistently tell pollsters that they have a low regard for Congress in general but greater affection for their particular member.

"PEOPLE ARE FRUSTRATED BY THE bureaucracy, but then they go to a congressional office and they get service," said Richard Shapiro, executive director of the Congressional Management Foundation. "A member who doesn't do that is viewed today as a negligent, uncaring member."

Nonetheless, Shapiro says, some members of Congress confide that they are spending much more time than they would like on constituent services rather than reflecting on the great and daunting issues of the day.

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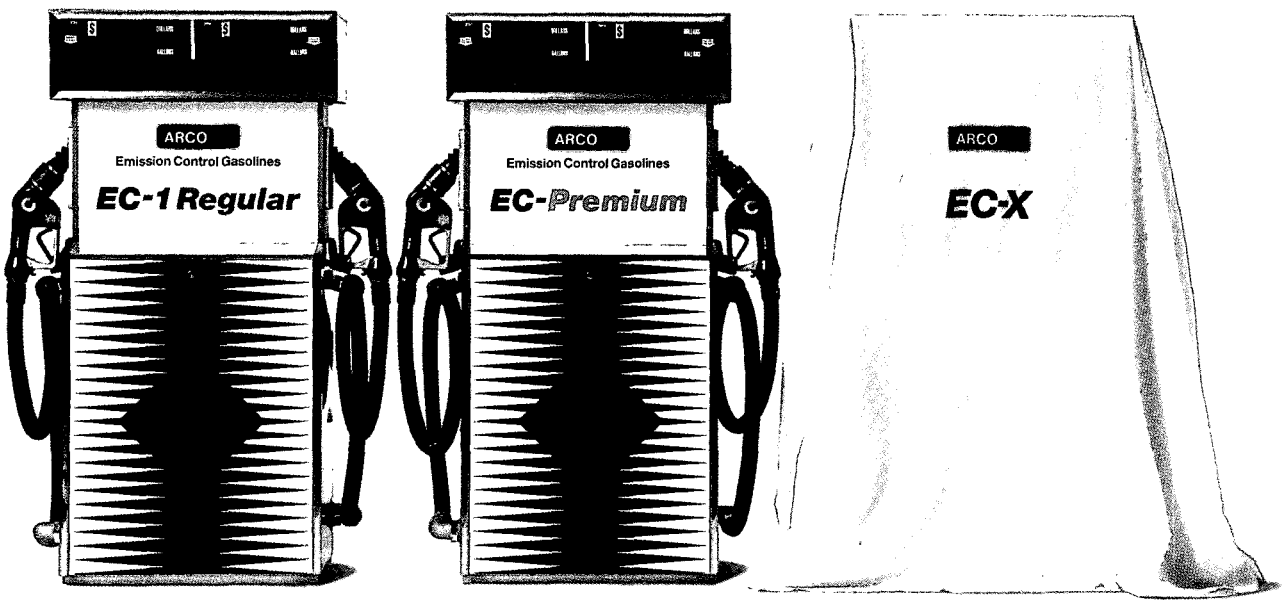

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